

10 CSR 26-2.010 Applicability

PURPOSE: This rule defines the underground storage tanks that are subject to the requirements of this chapter. This rule contains the technical standards for underground storage tanks. This rule is designed specifically to protect the quality of groundwater in the state as well as to protect human health and the overall quality of the environment. This rule is promulgated on the authority of sections 319.100–319.137, RSMo, and, as directed by this law, is based upon federal rules 40 CFR 280.10–40 CFR 280.74.

(1) The requirements of this chapter apply to all owners and operators of an underground storage tank (UST) system as defined in 10 CSR 26-2.012, except as otherwise provided in sections (2)-(4) of this rule. Any UST system listed in (3) of this rule must meet the requirements of 10 CSR 26-2.011.

(2) The following UST systems are excluded from the requirements of this chapter:

(A) Any UST system holding hazardous wastes listed or identified in the Missouri Hazardous Waste Management Law, sections 260.350–260.434, RSMo, and the rules promulgated thereunder or a mixture of hazardous waste and other regulated substances, except for *[waste] used* oil as defined in 10 CSR 25-11.279;

(B) Any wastewater treatment tank system that is part of a wastewater treatment facility regulated under Section 402 or 307(b) of the Clean Water Act (33 U.S.C. 1251);

(C) Equipment or machinery that contains regulated substances for operational purposes such as hydraulic lift tanks and electrical equipment tanks;

(D) Any UST system whose capacity is one hundred ten (110) gallons or less;

(E) Any UST system that is installed within a vault, if all exterior surface areas of the tank may be visually inspected without removal of backfill, gravel, sand, or other fill material;

(F) Any UST system that contains a *de minimis* concentration of regulated substances; and

(G) Any emergency spill or overflow containment UST system that is expeditiously emptied after use.

(3) *[Deferrals]* **Partial Exclusions.** Rules 10 CSR 26-2.020–10 CSR 26-2.053 and closure requirements in 10 CSR 26-2.060–10 CSR 26-2.064 do not apply to any of the following types of UST systems:

(A) Wastewater treatment tank systems **not covered in subsection (2)(B) above**;

(B) Any UST systems containing radioactive material that are regulated under the Atomic Energy Act of 1954 (42 U.S.C. 2011 and following);

(C) Any UST system that is part of an emergency generator system at nuclear power generation facilities *[regulated]* **licensed** by the Nuclear Regulatory Commission *[under]* **and subject to the Nuclear Regulatory Commission requirements regarding design and quality criteria, including but not limited to 10 CFR [Appendix A] Part 50;**

(D) **Aboveground tanks associated with** Airport hydrant fuel distribution systems; and

(E) *[UST systems with]* **Aboveground tanks associated with** field-constructed tanks.

(4) **Previously deferred UST systems.**

Previously deferred airport hydrant fuel distribution systems tank systems and field constructed tanks systems must meet one of the following options for compliance:

(A) Option 1. Owners and operators must document that the previously deferred UST is appropriate for continued use by providing proof of compliance with 10 CSR 26-2.020 through 10 CSR 26-2.048, or

(B) Option 2. Permanent closure of the UST system no later than July 1, 2019.

(C) New UST systems installed after January 1, 2017, must meet all requirements at installation.

*AUTHORITY: sections 319.100, 319.105, 319.107, 319.111, and 319.114, RSMo 2000, and sections 319.109 and 319.137, RSMo Supp. 2010.**

**Original authority: 319.100, RSMo 1989, amended 1991, 1993, 1996, 1998; 319.105, RSMo 1989; 319.107, RSMo 1989, amended 1994; 319.109, RSMo 1989, amended 1995, 2004, 2008; 319.111, RSMo 1989; 319.114, RSMo 1989; and 319.137, RSMo 1989, amended 1993, 1995, 2004.*

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate. The public entity fiscal cost impacts for compliance with the federal standards are accounted for in the federal rulemakings.

PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate. The private entity fiscal cost impacts for compliance with the federal standards are accounted for in the federal rulemakings.

10 CSR 26-2.011 Interim Prohibition for Deferred Underground Storage Tank Systems

PURPOSE: This rule establishes minimum performance standards for the installation of deferred underground storage tanks.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) No person may install an underground storage tank (UST) system listed in 10 CSR 26-2.010(3) for the purpose of storing regulated substances unless the UST system (whether of single- or double-wall construction)—

(A) Will prevent releases due to corrosion or structural failure for the operational life of the UST system;

(B) Is cathodically protected against corrosion, constructed of noncorrodible material, steel-clad with a noncorrodible material, or designed in a manner to prevent the release or threatened release of any stored substance; and

(C) Is constructed or lined with material that is compatible with the stored substance.

[(2) Notwithstanding section (1) of this rule, a UST system without corrosion protection may be installed at a site that is determined by a corrosion expert not to be corrosive enough to cause it to have a release due to corrosion during its operating life. Owners and operators must maintain records that demonstrate compliance with the requirements of this section for the remaining life of the tank.]

[(3)The determination in section (2) of this rule should comply with the following recommended practice: NACE International RP 0285-2002, Corrosion Control of Underground Storage Tank Systems by Cathodic Protection, revised 2002. This document is incorporated by reference without any later amendments or modifications. To obtain a copy contact NACE International, Box 218340, Houston, TX 77218-8340, (713) 492-0535, www.nace.org.]

*AUTHORITY: section 319.105, RSMo 2000 and section 319.137, RSMo Supp. 2010.**

**Original authority: 319.105, RSMo 1989 and 319.137, RSMo 1989, amended 1993, 1995, 2004.*

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate. The public entity fiscal cost impacts for compliance with the federal standards are accounted for in the federal rulemakings.

PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate. The private entity fiscal cost impacts for compliance with the federal standards are accounted for in the federal rulemakings.

10 CSR 26-2.012 Definitions

PURPOSE: This rule defines specific words used in this chapter.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) Many definitions relevant to this rule are set forth in the underground storage tank (UST) law in section 319.100, RSMo. *[The regulations set forth in 40 CFR part 280.12, July 1, 2010, as published by the Office of the Federal Register, National Archives and Records Administration, Superintendent of Documents, Pittsburgh, PA 15250-7954, are incorporated by reference. This rule does not incorporate any subsequent amendments or additions. The definitions set forth in 40 CFR 280.12, are subject to the following additions, modifications, substitutions, or deletions in the subsections:]*

(A) Definitions beginning with the letter A.

1. "Aboveground release" means any release to the surface of the land or to surface water. This includes, but is not limited to, releases from the aboveground portion of a UST system and aboveground releases associated with overfills and transfer operations as the regulated substance moves to or from a UST system.

2. "Airport hydrant fuel distribution system" (also called airport hydrant system) means a UST system which fuels aircraft and operates under high pressure that typically terminates into one or more hydrants (fill stands). The airport hydrant system begins where fuel enters one or more tanks from an external source such as a pipeline, barge, rail car, or other motor fuel carrier.

3. "Ancillary equipment" means any devices used to distribute, meter, or control the flow of regulated substances to and from a UST including, but not limited to, such devices as piping, fittings, flanges, valves, and pumps.

[1]4. “Annual” means recurring, done, or performed every three hundred sixty-five (365) days.

[2]5. “Annually” means at least once every three hundred sixty-five (365) days;

(B) Definitions beginning with the letter B. *[(Reserved);]*

1. “Belowground release” means any release to the subsurface of the land or to groundwater. This includes, but is not limited to, releases from the belowground portions of a UST system and belowground releases associated with overfills and transfer operations as the regulated substances move to or from a UST.

2. “Beneath the surface of the ground” means beneath the ground surface or otherwise covered with earthen materials.

3. “Biannually” or “biannual” means recurring, done, or performed every six (6) months.

(C) Definitions beginning with the letter C.

1. “Cathodic protection” is a technique to prevent corrosion of a metal surface by making that surface the cathode of an electrochemical cell. For example, a tank system can be cathodically protected through the application of either galvanic anodes or impressed current.

2. “Cathodic protection tester” means a person who can demonstrate an understanding of the principles and measurements of all common types of cathodic protection systems as applied to buried or submerged metal piping and tank systems. At a minimum, such persons must be certified by NACE International, the Steel Tank Institute, or the International Code Council.

[1]3. “CERCLA” *[at 40 CFR 280.12, incorporated in this rule, add the words “]means the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986[after the words “as amended”];*

4. “Compatible” means the ability of two or more substances to maintain their respective physical and chemical properties upon contact with one another for the design life of the tank system under conditions likely to be encountered in the UST.

5. “Connected piping” means all piping including valves, elbows, joints, flanges, and flexible connectors attached to a UST system through which regulated substances flow. For the purpose of determining how much piping is connected to any individual UST system, the piping that joins two (2) UST systems should be allocated equally between them.

6. “Consumptive use” with respect to heating oil means consumed on the premises for heating purposes, typically in the operation of heating equipment, boilers, and furnaces.

7. “Containment sump” means a liquid-tight container that protects the environment by containing leaks and spills of regulated substances from piping, dispensers, pumps and related components in the containment area.

8. “Corrosion expert” means a person who, by reason of thorough knowledge of the physical sciences and the principles of engineering and mathematics acquired by a professional education and related practical experience, is qualified to engage in the practice of corrosion control on buried or submerged metal piping systems and metal tanks. Such a person must be certified by NACE International as a CP Technologist, CP Specialist, or Senior Corrosion Technologist, or for sti-P3® tanks, a Steel Tank Institute certified Cathodic Protection Inspector.

(D) Definitions beginning with the letter D.

1. “*De minimus*” means—

A. Any volume of regulated substance(s) contained in a tank with a capacity of less than one hundred ten (110) gallons; or

B. A very low concentration of regulated substances; or

C. Any volume of regulated substance(s) contained in an emergency backup tank that holds regulated substances for only a short period of time and is expeditiously emptied after use. (Comment: *De minimus* tanks include: swimming pools, permitted wastewater treatment facilities, and chlorinated, potable water storage tanks. An oil-water separator is not a *de minimus* system unless the tank has a less than one hundred ten (110) gallon capacity.)

2. “Department,” unless otherwise stated, means the Missouri Department of Natural Resources;

3. “Dielectric material” means a material that does not conduct direct electrical current. Dielectric coatings are used to electrically isolate UST systems from the surrounding soils. Dielectric bushings are used to electrically isolate portions of the UST system (e.g., tank from piping).

4. “Dispenser” means equipment located aboveground that dispenses regulated substances from the UST system.

5. “Dispenser system” means the dispenser and the equipment necessary to connect the dispenser to the underground storage tank system.

6. “Double-walled piping” is a pipe within a pipe, where the outer wall and inner walls are separated, the inner pipe is completely contained within the outer pipe, except for any single wall fittings or ends, which must be open to a leak-tight containment sump, and the space between the two (2) pipes can be used to monitor the integrity of both the inner and outer pipes.

(E) Definitions beginning with the letter E.

1. [In the definition for “existing tank system” in 40 CFR 280.12 incorporated in this rule, substitute the date “September 28, 1990” for the date “December 22, 1988’;]“**Electrical equipment**” means underground equipment that contains dielectric fluid that is necessary for the operation of equipment such as transformers and buried electrical cable.

2. “Excavation zone” means the volume containing the tank system and backfill material bounded by the ground surface, walls, and floor of the pit and trenches into which the UST system is placed at the time of installation.

(F) Definitions beginning with the letter F. [(Reserved);]

1. “Farm tank” is a tank located on a tract of land devoted to the production of crops or raising animals, including fish, and associated residences and improvements. A farm tank must be located on the farm property. Farm includes fish hatcheries, rangeland and nurseries with growing operations.

2. “Field-constructed tank” means an underground tank constructed in the field or location where it will be used to store a regulated substance. For example, a tank constructed of concrete that is poured on-site or a steel erected tank. This does not include field modifications to a factory-built tank.

3. “Flow-through process tank” is a tank that forms an integral part of a production process through which there is a steady, variable, recurring, or intermittent flow of materials during the operation of the process. Flow-through process tanks do not include

tanks used for the storage of materials prior to their introduction into the production process or for the storage of finished products or by-products from the production process.

4. **“Free product”** refers to a regulated substance that is present as a non-aqueous phase liquid (e.g., liquid not dissolved in water).

(G) Definitions beginning with the letter G. *[(Reserved);]*

1. **“Gathering lines”** means any pipeline, equipment, facility, or building used in the transportation of oil or gas during oil or gas production or gathering operations.

(H) Definitions beginning with the letter H.

1. *[This definition shall apply in lieu of the definition of “hazardous substance UST system” in 40 CFR 280.12 incorporated in this rule. —]* **“Hazardous substance UST system”** means a UST system that contains a hazardous substance defined in Section 101(14) of the CERCLA (but not including any substance regulated as a hazardous waste under the Missouri Hazardous Waste Management Law, sections 260.350–260.434, RSMo) or any mixture of these substances and petroleum, and which is not a petroleum *[UST systems]* **storage tank**;

2. **“Heating oil”** means petroleum that is No. 1, No. 2, No. 4--light, No. 4--heavy, No. 5--light, No. 5--heavy, and No. 6 technical grades of fuel oil; other residual fuel oils (including Navy Special Fuel Oil and Bunker C); and other fuels when used as substitutes for one (1) of these fuel oils. Heating oil is typically used in the operation of heating equipment, boilers, or furnaces.

3. **“Hydraulic lift tank”** means a tank holding hydraulic fluid for a closed-loop mechanical system that uses compressed air or hydraulic fluid to operate lifts, elevators, and other similar devices.

(I) Definitions beginning with the letter I.

[1. The definition for “implementing agency” in 40 CFR 280.12 is not incorporated into this rule.]

*[2]*1. The term **“in-operation”** means input or output that occurs on a regular basis for the tank’s intended purpose.

*[3]*2. The terms **“in-service”** and **“in-use”** are equivalent and mean that the tank system contains more than one inch (1”) of a regulated substance or residue or three-tenths percent (0.3%) by weight of the total capacity of the UST system of regulated substance. A tank is considered to be in-service and in-use beginning with the first input of a regulated substance into the tank system.

*[4]*3. The term **“installer”** means any person, partnership, corporation, company, business, firm, society, or association that installs part or all of an underground storage tank system;

(J) Definitions beginning with the letter J. *(Reserved);*

(K) Definitions beginning with the letter K. *(Reserved);*

(L) Definitions beginning with the letter L. *[(Reserved);]*

1. **“Liquid trap”** means sumps, well cellars, and other traps used in association with oil and gas production, gathering, and extraction operations (including gas production plants), for the purpose of collecting oil, water, and other liquids. These liquid traps may temporarily collect liquids for subsequent disposition or reinjection into a production or pipeline stream, or may collect and separate liquids from a gas stream.

(M) Definitions beginning with the letter M.

1. **“Maintenance”** means the normal operational upkeep to prevent an underground storage tank system from releasing regulated substances.

*[1]*2. **“Month,”** unless otherwise stated, means thirty (30) days.

[2]3. “Monthly” means at least once every thirty (30) days;

4. **“Motor fuel” means a complex blend of hydrocarbons typically used in the operation of a motor engine, such as motor gasoline, aviation gasoline, No. 1 or No. 2 diesel fuel, or any blend containing one (1) or more of these substances (for example: motor gasoline blended with alcohol).**

(N) Definitions beginning with the letter N.

1. *[In the definition for “new tank system” in 40 CFR 280.12 incorporated in this rule, substitute the date “September 28, 1990” for the date “December 22, 1988”];* **“Noncommercial purposes” with respect to motor fuel means not for resale.**

(O) Definitions beginning with the letter O.

1. **“On the premises where stored” with respect to heating oil means UST systems located on the same property where the stored heating oil is used.**

2[1]. **“Operational life” refers to the period beginning when installation of the tank system has commenced until the time the tank system is properly closed under** *[In the definition for “operational life” in 40 CFR 280.12 incorporated in this rule, substitute “] 10 CSR 26-2.060–10 CSR 26-2.064[for “Subpart G.”]*

3. *[The definition for “owner” in 40 CFR 280.12 is not incorporated in this rule, and the definition in section 319.100(9) RSMo shall be used instead;]* **“Operator” means any person in control of, or having responsibility for, the daily operation of a tank.**

[2]4. The terms “out-of-service” and “out-of-use” are equivalent and mean that the tank system has been emptied so that no more than one inch (1") of regulated substance or residue or three-tenths percent (0.3%) by weight of the total capacity of the UST system remains.

5. **“Overfill release” is a release that occurs when a tank is filled beyond its capacity, resulting in the discharge of the regulated substance to the environment.**

6. **“Owner” means any person who owned an underground storage tank immediately before the discontinuation of its use if not in use on August 28, 1989, or any person who owns an underground storage tank in use on or after August 28, 1989, excluding secured interest or lienholders exempted under section 319.100(9) RSMo.**

(P) Definitions beginning with the letter P.

1. *[The definition for “person” in 40 CFR 280.12 is not incorporated in this rule and the definition in section 319.100(11), RSMo, shall be used instead.]* **“Person” means any individual, trust, firm, joint stock company, corporation, including a government corporation, partnership, association, the state and its political subdivisions, or any interstate body. “Person” also includes any consortium, joint venture, commercial entity, and the government of the United States.**

2. **“Petroleum” means gasoline, kerosene, diesel, lubricants, and fuel oil. This definition includes motor fuels, aviation gas, jet fuels, distillate fuel oils, residual fuel oils, and petroleum solvents.**

3. **“Petroleum storage tank”, in this chapter, means an underground storage tank system used to contain an accumulation of petroleum.**

4. **“Pipe or piping” means a hollow cylinder or tubular conduit that is constructed of non-earthen materials.**

5. **“Pipeline facilities (including gathering lines)” are new and existing pipe rights-of-way and any associated equipment, facilities or buildings.**

(Q) Definitions beginning with the letter Q. *(Reserved);*

(R) Definitions beginning with the letter R.

1. [1. The definition for “regulated substance” in 40 CFR 280.12 is not incorporated in this rule and the definition in section 319.100(14), RSMo, shall be used instead.]“Regulated substance” includes:

A. Any substance defined in Section 101(14) of the federal Comprehensive Environmental Response, Compensation, and Liability Act (P.L. 96-510), as amended, but not including a substance regulated as a hazardous waste under Subtitle C of the federal Resource Conservation and Recovery Act of 1976 (P.L. 94-580), as amended; and

B. Petroleum, including crude oil or any fraction thereof, which is liquid at standard conditions of temperature and pressure, sixty degrees (60°) Fahrenheit and fourteen and seven-tenths (14 7/10) pounds per square inch absolute, respectively; and

C. Any substance adopted by rule in accordance with federal laws referenced by Section 101(14) of the federal Comprehensive Environmental Response, Compensation, and Liability Act (P.L. 96-510).

2. [The definition for “release” in 40 CFR 280.12 is not incorporated in this rule and the definition in section 319.100(15), RSMo, shall be used instead. “Release” includes, but is not limited to, any spilling, leaking, emitting, discharging, escaping, leaching, or disposing from a petroleum storage tank into groundwater, surface water or subsurface soils.

3. “Release detection” means determining whether a release of a regulated substance has occurred from the UST system into the environment or a leak has occurred into the interstitial space between the UST system and its secondary barrier or secondary containment around it.

4. “Repair” means to restore to proper operating condition a tank, pipe, spill prevention equipment, overfill prevention equipment, corrosion protection equipment, release detection equipment, or other UST system component that has caused a release of product from the UST system or has failed to function properly;

5. “Replaced” or “replacement” means

A. For a tank - to remove a tank and install another tank.

B. For piping - to remove fifty percent (50%) or more of piping and install other piping, excluding connectors, connected to a single tank or single compartment. For tanks with multiple piping runs, this definition applies independently to each piping run.

6. “Residential tank” is a tank located on property used primarily for dwelling purposes.

[3]7. “Routinely contains regulated substance” means that a regulated substance regularly passes through the piping, but does not necessarily mean that the piping must continuously hold a regulated substance. Satellite lines, gravity piping, and remote fill lines, including lines from aboveground storage tank(s) to underground storage tank(s), all routinely contain a regulated substance. Vapor lines, including vent lines and vapor recovery lines, are not included;

(S) Definitions beginning with the letter S.

1. “SARA” means the Superfund Amendments and Reauthorization Act of 1986.

2. “Secondary containment” or “Secondarily contained” means a release prevention and release detection system for a tank and/or piping. This system has an inner and outer barrier with an interstitial space that is monitored for leaks. This term includes containment sumps when used for interstitial monitoring of piping.

3.[1. In lieu of the definition for “septic tank” in 40 CFR 280.12, the definition for] “[s]Septic tank [shall be] **means** any watertight, covered receptacle designed and constructed to receive the discharge of sewage, separate solids from liquid, digest organic matter, store liquids through a period of detention, and allow the clarified liquids to discharge to a soil treatment system;

4. **“Storm-water or wastewater collection system” means piping, pumps, conduits, and any other equipment necessary to collect and transport the flow of surface water run-off resulting from precipitation, or domestic, commercial or industrial wastewater to and from retention areas or any areas where treatment is designated to occur. The collection of storm water and wastewater does not include treatment except where incidental to conveyance.**

5. **“Surface impoundment” is a natural topographic depression, man-made excavation, or diked area formed primarily of earthen materials (although it may be lined with man-made materials) that is not an injection well.**

(T) Definitions beginning with the letter T.

1. **“Tank” is a stationary device designed to contain an accumulation of regulated substances and constructed of non-earthen materials (e.g., concrete, steel, plastic) that provide structural support.**

[1]2. **“Triennial” means recurring, done, or performed every one thousand ninety-five (1,095) days.**

[2]3. **“Triennially” means at least once every one thousand ninety-five (1,095) days.**

(U) Definitions beginning with the letter U.

1.[In the definition of “upgrade” in 40 CFR 280.12 incorporated in this rule, substitute the words “regulated substance” for the word “product.”] **“Under-dispenser containment” or “UDC” means a containment sump underneath a dispenser system designed to prevent dispenser system leaks from reaching soil or groundwater.**

2.[The definition of “underground storage tank” or “UST” found in 40 CFR 280.12 incorporated in this rule, and the definition in section 319.100(16), RSMo, shall be used instead.] **“Underground release” means any belowground release.**

3. **“Upgrade” means the addition or retrofit of some systems such as cathodic protection, lining, spill and overflow controls to improve the ability of an underground storage tank system to prevent the release of regulated substance.**

4. **“Underground area” means an underground room, such as a basement, cellar, shaft or vault, providing enough space for physical inspection of the exterior of the tank situated on or above the surface of the floor.**

5. **“Underground storage tank” is defined in section 319.100, RSMo and means any one (1) or combination of tanks, including pipes connected thereto, containing regulated product, the volume of which is ten percent (10%) or more beneath the surface of the ground, except as exempted in section 319.100(16), RSMo.**

6. **“UST system” or “Tank system” means an underground storage tank, all connected piping, ancillary equipment, and containment system, if any.**

(V) Definitions beginning with the letter V. *(Reserved)*;

(W) Definitions beginning with the letter W.

1. **“Wastewater treatment tank” means a tank that is designed to receive and treat an influent wastewater through physical, chemical or biological methods. [(Reserved);]**

(X) Definitions beginning with the letter X. *(Reserved)*;

- (Y) Definitions beginning with the letter Y. *(Reserved)*;
(Z) Definitions beginning with the letter Z. *(Reserved)*.

*AUTHORITY: sections 319.100, 319.105, 319.107, 319.111, and 319.114, RSMo 2000, and sections 319.109 and 319.137, RSMo Supp. 2010.**

**Original authority: 319.100, RSMo 1989, amended 1991, 1993, 1996, 1998; 319.105, RSMo 1989; 319.107, RSMo 1989, amended 1994; 319.109, RSMo 1989, amended 1995, 2004, 2008; 319.111, RSMo 1989; 319.114, RSMo 1989; 319.132, RSMo 1991, amended 1995, 1996, 1998; and 319.137, RSMo 1989, amended 1993, 1995, 2004.*

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate. The public entity fiscal cost impacts for compliance with the federal standards are accounted for in the federal rulemakings.

PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate. The private entity fiscal cost impacts for compliance with the federal standards are accounted for in the federal rulemakings.

10 CSR 26-2.013 UST Systems with Field-Constructed Tanks and Airport Hydrant Fuel Distribution Systems

PURPOSE: This rule contains the new requirements for the previously deferred field-constructed tanks and airport hydrant fuel distribution systems.

(1) Applicability. This rule applies to owners and operators of field-constructed tanks and airport hydrant fuel distribution systems.

(2) Deadline for compliance. Owners and operators of existing underground storage tank (UST) systems with field-constructed tanks or airport hydrant fuel distribution systems must comply with all of the requirements of 10 CSR 26-2.010 through 10 CSR 26-2.083, the financial responsibility requirements in 10 CSR 26-3, and operator training in 10 CSR 100-6.

(A) Immediately upon installation for any new UST systems installed after July 1, 2017.

(B) By July 1, 2019, for existing systems, except where such requirements are specifically excluded or amended by this rule.

(3) Corrosion protection. UST system components that routinely contain product and are in contact with an electrolyte, including soil, backfill or water, must meet one (1) of the following:

(A) Performance Standards for New UST Systems, as defined by 10 CSR 26-2.020; or

(B) Be constructed of metal and cathodically protected, with the cathodic protection system complying with 10 CSR 26-2.031. Unprotected metal tanks must pass an integrity test, in accordance with 10 CSR 26-2.021 and 10 CSR 26-2.031, prior to the addition of cathodic protection. Unprotected steel piping cannot be upgraded and must be replaced.

(4) Spill and overfill prevention equipment. UST systems must be upgraded with the installation of spill and overfill prevention, in accordance with 10 CSR 26-2.020 and 10 CSR 26-2.030, except where “delivery” occurs through a dedicated pipeline permanently

connected to the UST system(s). For these systems, owners and operators must have an alarm system and/or an approved plan to prevent releases due to overfill.

(5) Walkthrough inspections. In addition to the walkthrough inspections in 10 CSR 26-2.036, owners and operators must inspect the following additional areas for airport hydrant fuel distribution systems at least once every thirty (30) days if confined space entry according to the Occupational Safety and Health Administration under 29 CFR Part 1910 is not required, or at least annually if confined space entry is required, and must keep documentation of these walkthrough inspections in accordance with 10 CSR 26-2.036:

(A) Hydrant pits- visually check for any damage, remove any liquid or debris, and check for any leaks; and

(B) Hydrant piping vaults- check for any hydrant piping leaks.

(6) Applicability of closure requirements to previously closed UST systems. The department may require that the owner and operator of a UST system with a field-constructed tank system or an airport hydrant fuel distribution system permanently closed before April 30, 2017, must assess the excavation zone and close the UST system in accordance with 10 CSR 26-2.060 through 10 CSR 26-2.064 if releases from the UST system, in the judgment of the department, pose a current or potential threat to human health and the environment.

(7) Release detection. Owners and operators of existing UST systems must comply with the release detection requirements mandated in 10 CSR 26-2.040 through 10 CSR 26-2.048 no later than July 1, 2020.

*AUTHORITY: sections 319.100, 319.103, 319.105, 319.107, 319.111, 319.114, 319.117, 319.120, and 319.123 RSMo 2000, and sections 319.109 and 319.137, RSMo Supp. 2010.**

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate. The public entity fiscal cost impacts for compliance with the federal standards are accounted for in the federal rulemakings.

PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate. The private entity fiscal cost impacts for compliance with the federal standards are accounted for in the federal rulemakings.

10 CSR 26-2.019 New Installation Requirements

PURPOSE: This rule sets the standards that installations and installers of new underground storage tank systems must meet.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) Any installer who intends to install an underground storage tank (UST) **or piping associated with a UST** system for storage of a regulated substance must, at least *[thirty]***fourteen** (*[30]***14**) days before installing the tank **or before piping replacement**, notify the department by *[letter or /approved form transmitted via email of intent to install a UST, except that this [thirty] fourteen* (*[30]***14**) day notice requirement may be waived by the department when a release is suspected or in other similarly urgent circumstances. The notification must provide the tank owner's name, installer name, the name and location of the facility where the UST **or piping** will be installed, the date that the installation is expected to commence, the date that the tank is expected to be brought in[-] use, UST system information, including tank material, size, manufacturer, piping material, piping type, and manufacturer, release detection equipment, and spill and overfill equipment. The installation notice is valid for one hundred eighty (180) days from receipt by the department and only for the UST system(s) listed on the notice. If installation does not commence within one hundred eighty (180) days of the date on which the department received the notice, a new installation notice must be submitted prior to commencing installation activities.

(2) Installers must document compliance with all manufacturer certification or training requirements for tank, piping, release detection equipment, and *[/spill and overfill equipment installed.*

(3) Installers and manufacturers must be properly registered with the Missouri Department of Agriculture and have a current financial responsibility mechanism that complies with the requirements of 2 CSR 90-30.085.

(4) Prior to installation of an *[UST]***underground tank and/or UST system piping** intended to be used for storage of a regulated substance, the tank and/or *[associated]* piping must be tested, inspected, and measured in accordance with the manufacturer's requirements and in accordance with the pre-installation inspection, testing, and/or backfilling sections of either—

(A) American Petroleum Institute's Recommended Practice 1615, *Installation of Underground Petroleum Storage Systems*, fifth edition, 2011. This document is incorporated by reference without any later amendments or modifications. To obtain a copy, contact the American Petroleum Institute, 1220 L Street NW, Washington, DC 20005, (202) 682-8000, www.api.org/standards/; or

(B) Petroleum Equipment Institute's Recommended Practice 100-2011, *Installation of Underground Liquid Storage Systems*, 2011 edition. This document is incorporated by reference without any later amendments or modifications. To obtain a copy, contact the Petroleum Equipment Institute, Box 2380, Tulsa, OK 74101-2380, (918) 494-9696, www.pei.org.

(5) Tanks, piping, and equipment must comply with the new system requirements in 10 CSR 26-2.020. Installations shall be conducted in accordance with all manufacturers' requirements and in accordance with either—

(A) American Petroleum Institute's Recommended Practice 1615, *Installation of Underground Petroleum Storage Systems*, fifth edition, 2011. This document is incorporated by reference without any later amendments or modifications. To obtain a copy, contact the American Petroleum Institute, 1220 L Street NW, Washington, DC 20005, (202) 682-8000, www.api.org/standards/; or

(B) Petroleum Equipment Institute's Recommended Practice 100-2011, *Installation of Underground Liquid Storage Systems*, 2011 edition. This document is incorporated by reference without any later amendments or modifications. To obtain a copy, contact the Petroleum Equipment Institute, Box 2380, Tulsa, OK 74101-2380, (918) 494-9696, www.pei.org.

(6) When a new UST system is installed at a marina, the installer must comply with the Petroleum Equipment Institute's Recommended Practice 1000-2009, *Recommended Practices for the Installation of Marina Fueling Systems*, 2009 Edition or an alternative procedure approved by the Department. This document is incorporated by reference without any later amendments or modifications. To obtain a copy, contact the Petroleum Equipment Institute, Box 2380, Tulsa, OK 74101-2380, (918) 494-9696, www.pei.org.

(/6/7) Should one (1) or more of a manufacturer's requirements contradict the recommended industry practice(s), the manufacturer's requirements shall be followed. Backfill materials must meet tank and piping manufacturers' specifications.

(/7/8) The tank and piping system must pass a **one-tenth (0.1) gallon/hour** system tightness test before the system is brought in operation. **The tank tightness test must be:**

(A) **A tank tightness test method listed and conducted in accordance with the National Work Group on Leak Detection Evaluations certificate. To obtain a copy, download the appropriate certificate from www.nwglde.org, or**

(B) **A one-tenth (0.1) gallon/hour third party certified test conducted using the automatic tank gauge with the tank at least ninety-five percent (95%) full.**

(9) For tank system installations on or after July 1, 2017, before the UST system is brought into operation:

(A) **Spill and overfill prevention equipment must be tested in accordance with 10 CSR 26-2.030,**

(B) **Secondary containment sumps must be tested in accordance with 10 CSR 26-2.035, and**

(C) **All release detection equipment must be operability tested in accordance with 10 CSR 26-2.040 and 10 CSR 26-2.048.**

(10) All new tanks must be tied down. Tie-down straps must meet the manufacturer's design specifications and be installed in locations and at a frequency prescribed by the manufacturer.

(/8/11) Until the installation is complete and the system is released by the installer to the owner/operator, the tank shall be monitored for leaks daily by using either—

(A) An approved release detection method, in accordance with 10 CSR 26-2.043; or

(B) Daily Inventory Liquid Measurements. Upon completion of initial post-installation tightness testing, daily measurements are based on the average of two (2) consecutive stick readings. A variation of no greater than twenty-six (26) gallons per week is allowed. Any suspected release, alarm, or inconclusive or failure result from these release detection methods must be reported and investigated in accordance with 10 CSR 26-2.050.

(/9/12) Upon the department's discovery of an installation that is not in compliance with the requirements of this rule, the department's authorized representative may require that the installation remain open and uncovered, or that no additional UST system work be conducted, until—

(A) The manufacturer approves the installation that deviates from their written guidelines, specifications, and instructions;

(B) The owner approves the installation; and

(C) The department approves the installation.

(/10/13) Any equipment repairs necessary during the installation must be manufacturer certified or approved, with supporting written documentation from the manufacturer.

(/11/14) Certification of Installation. All installers must ensure that one (1) or more of the following methods of certification, testing or inspection is used to demonstrate compliance with this rule by providing a certification of compliance:

(A) The installation has been inspected and approved by the department;

(B) All work listed in the manufacturer's installation checklists has been completed and submitted to the department; or

(C) The installer has complied with another method for ensuring compliance with this rule that is [determined] **pre-approved** by the department to be no less protective of human health and the environment.

AUTHORITY: sections 319.105, RSMo 2000. Original rule filed April 15, 2011, effective Dec. 30, 2011.*

**Original authority: 319.105, RSMo 1989.*

PUBLIC ENTITY COST: The state changes in this rule are estimated to cost affected state agencies and political subdivisions \$607.50 annually to comply with the new requirements of this rule. A detailed fiscal note has been filed with the Secretary of State. The public entity fiscal cost impacts for compliance with the federal standards that are being incorporated into this rule are accounted for in the federal rulemakings.

PRIVATE ENTITY COST: The state changes in this rule are expected to cost private entities \$29,767.50 annually to comply with the new state requirements of this rule. A detailed fiscal note has been filed with the Secretary of State. The private entity fiscal cost impacts for compliance with the federal standards that are being incorporated into this rule are accounted for in the federal rulemakings.

10 CSR 26-2.020 Performance Standards for New Underground Storage Tank Systems

PURPOSE: This rule sets the standards for tanks, piping, spill and overfill prevention equipment, installation, and certification of installation that new underground storage tanks must meet.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) In order to prevent releases due to structural failure, corrosion, or spills and overfills for as long as the underground storage tank (UST) system is used to store regulated substances, all owners and operators of new UST systems must meet the following requirements:

(A) Tanks. Each tank must be properly designed and constructed, and any portion underground that routinely contains a regulated substance must be protected from corrosion, in accordance with a code of practice developed by a nationally-recognized association or independent testing laboratory as *[follows]* **specified in paragraphs 1 through 5 of this subsection. In addition, all new or replaced tanks where installation began on or after July 1, 2017, must be double-walled in accordance with paragraph 5 of this subsection:**

1. The tank is constructed of fiberglass-reinforced plastic and complies with—

A. Underwriters' Laboratories Standard 1316, *Standard for Glass-Fiber-Reinforced Plastic Underground Storage Tanks for Petroleum Products, Alcohol and Alcohol-Gasoline Mixtures*, revised 2006. This document is incorporated by reference without any later amendments or modifications. To obtain a copy, contact the Underwriters' Laboratories, 333 Pfingsten Road, Northbrook, IL 60062-2096, (847) 272-8800, www.ul.com; or

B. Other standards or publications approved by the department; or

2. The tank is constructed of steel and cathodically protected in the following manner:

A. The tank is coated with a suitable dielectric material;

B. Field-installed cathodic protection systems are designed by a corrosion expert;

C. Impressed current systems are designed to allow determination of current operating status as required in 10 CSR 26-2.031(1)(C);

D. Cathodic protection systems are operated and maintained in accordance with 10 CSR 26-2.031 or according to guidelines established by the department; and

E. The following codes and standards may be used to comply with paragraph (1)(A)2. of this rule:

(I) Steel Tank Institute *Specification for STI-P3 System of External Corrosion Protection of Underground Steel Storage Tanks*, revised 2010. This document is incorporated by reference without any later amendments or modifications. To obtain a copy, contact the Steel Tank Institute, 944 Donata Court, Lake Zurich, IL 60047, (708) 438-8265, www.steeltank.com;

(II) Steel Tank Institute Standard F841, *Standard for Dual Wall Underground Steel Storage Tanks*, revised 2006. This document is incorporated by reference without any later amendments or modifications. To obtain a copy, contact the Steel Tank Institute, 944 Donata Court, Lake Zurich, IL 60047, (708) 438-8265, www.steeltank.com;

(*III/III*) Underwriters' Laboratories Standard 1746, *Standard for External Corrosion Protection Systems for Steel Underground Storage Tanks*, revised 2007. This document is incorporated by reference without any later amendments or modifications. To obtain a copy, contact the Underwriters' Laboratories, 333 Pfingsten Road, Northbrook, IL 60062-2096, (847) 272-8800, www.ul.com;

(*III/IV*) NACE International RP 0285-2002, *Corrosion Control of Underground Storage Tank Systems by Cathodic Protection*, revised 2002. This document is incorporated by reference without any later amendments or modifications. To obtain a copy, contact NACE International, Box 218340, Houston, TX 77218-8340, (713) 492-0535, www.nace.org;

(*IV/IV*) Underwriters' Laboratories Standard 58, *Standard for Steel Underground Tanks for Flammable and Combustible Liquids*, revised 1998. This document is incorporated by reference without any later amendments or modifications. To obtain a copy, contact the Underwriters' Laboratories, 333 Pfingsten Road, Northbrook, IL 60062-2096, (847) 272-8800, www.ul.com; or

3. The tank is a composite tank with a steel inner tank and a non-metallic external thick film coating or the tank is a steel inner tank constructed with a non-metallic external jacket forming a secondary wall. Either of these tanks shall comply with one (1) of the following industry codes:

A. Underwriters' Laboratories Standard 1746, *Standard for External Corrosion Protection Systems for Steel Underground Storage Tanks*, revised 2007. This document is incorporated by reference without any later amendments or modifications. To obtain a copy, contact the Underwriters' Laboratories, 333 Pfingsten Road, Northbrook, IL 60062-2096, (847) 272-8800, www.ul.com;

B. Steel Tank Institute's ACT-100, *Specification for External Corrosion Protection of FRP Composite Steel USTs (F894)*, revised June 2010. This document is incorporated by reference without any later amendments or modifications. To obtain a copy, contact the Steel Tank Institute, 944 Donata Court, Lake Zurich, IL 60047, (708) 438-8265, www.steeltank.com;

C. Underwriters' Laboratories Standard 58, *Standard for Safety for Steel Underground Storage Tanks for Flammable and Combustible Liquids*, revised 1998. This document is incorporated by reference without any later amendments or modifications. To obtain a copy, contact the Underwriters' Laboratories, 333 Pfingsten Road, Northbrook, IL 60062-2096, (847) 272-8800, www.ul.com; or

D. Steel Tank Institute's ACT-100-U, *Specification for External Corrosion Protection of Composite Steel Underground Storage Tanks*, F961, June 2010. This document is incorporated by reference without any later amendments or modifications. To obtain a copy, contact the Steel Tank Institute, 944 Donata Court, Lake Zurich, IL 60047, (708) 438-8265, www.steeltank.com;

E. Steel Tank Institute's Specification F922, *Steel Tank Institute Specification for Permatank*, revised 2013. This document is incorporated by reference without any later amendments or modifications. To obtain a copy, contact the Steel Tank Institute, 944 Donata Court, Lake Zurich, IL 60047, (708) 438-8265, www.steeltank.com or

[4. The tank is constructed of metal without additional corrosion protection measures provided that—

A. The tank is installed at a site that is determined by a corrosion expert to not be corrosive enough to cause it to have a release due to corrosion during its operating life; and

B. Owners and operators maintain records that demonstrate compliance with the requirements of subparagraph (1)(B)4.A. of this rule for the remaining life of the tank; or];

[5]4. The tank construction and corrosion protection are determined by the department to be designed to prevent the release or threatened release of any stored regulated substance in a manner that is no less protective of human health and the environment than paragraphs (1)(A)1.–[4]3. of this rule;

5. Tanks installed on or after July 1, 2017, must be double-walled. A double-walled tank is a tank within a tank, where the outer walls and inner walls are separated, the inner tank is contained within the outer tank to a minimum of ninety-five percent (95%) containment and has an interstitial space capable of being monitored.

(B) Piping. The piping that routinely contains regulated substances and is in contact with an electrolyte, including but not limited to soil, backfill, and/or water, must be properly designed, constructed, and protected from corrosion *[in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory]* **as specified in paragraphs 1 through 4 of this subsection. In addition, all new piping systems where installation began on or after July 1, 2017, must be double-walled in accordance with paragraph 5 of this subsection. If more than fifty percent (50%) of any tank system's piping is replaced within any twelve (12) month period, the entire piping run must be double-walled in accordance with paragraph 5. [as follows:]**

1. The piping is constructed of *[fiberglass reinforced plastic]* **an approved, non-corrodible material;**

2. The following codes and standards may be used to comply with paragraph (1)(B)1. of this rule:

A. Underwriters' Laboratories *Standard 971, UL Listed Nonmetallic Underground Piping for Flammable Liquids*, revised 2006. This document is incorporated by reference without any later amendments or modifications. To obtain a copy, contact the Underwriters' Laboratories, 333 Pfingsten Road, Northbrook, IL 60062-2096, (847) 272-8800, www.ul.com; and

B. Underwriters' Laboratories *Standard 567, Emergency Breakaway Fittings, Swivel Connectors and Pipe Connection Fittings for Petroleum Products and LP-Gas*, revised 2003. This document is incorporated by reference without any later amendments or modifications. To obtain a copy, contact the Underwriters' Laboratories, 333 Pfingsten Road, Northbrook, IL 60062-2096, (847) 272-8800, www.ul.com;

3. After July 1, 2017, metal piping may not be installed unless it is completely enclosed within a containment sump, except existing flexible connectors may be replaced without a containment sump if the new flexible connector is protected from corrosion by isolating it from the backfill using a manufacturer-approved isolation boot or protecting the connector from corrosion in accordance with this paragraph. For existing piping, [T]the piping is constructed of steel and cathodically protected in the following manner:

A. The piping is coated with a suitable dielectric material;

B. Field-installed cathodic protection systems are designed by a corrosion expert;

C. Impressed current systems are designed to allow determination of current operating status as required in 10 CSR 26-2.031(1)(C);

D. Cathodic protection systems are operated, **inspected** and maintained in accordance with 10 CSR 26-2.031; and

E. The *[following]* codes and standards **in 10 CSR 26-2.031(2)** may be used to comply with paragraph (1)(B)3. of this rule[;].

[(I) National Fire Association Standard 30, Flammable and Combustible Liquids Code, revised 2008. This document is incorporated by reference without any later amendments or modifications. To obtain a copy, contact the National Fire Protection Association, 1 Batterymarch Park, Box 9101, Quincy, MA 02269-9101, (617) 770-3000, www.nfpa.org;

(II) American Petroleum Institute's Recommended Practice 1615, Installation of Underground Petroleum Storage Systems, fifth edition, 2011. This document is incorporated by reference without any later amendments or modifications. To obtain a copy, contact the American Petroleum Institute, 1220 L Street NW, Washington, DC 20005, (202) 682-8000, www.api.org/standards/;

(III) American Petroleum Institute Publication 1632, Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems, revised 2002. This document is incorporated by reference without any later amendments or modifications. To obtain a copy, contact the American Petroleum Institute, 1220 L Street NW, Washington, DC 20005(202) 682-8000, www.api.org/standards/;

(IV) NACE International SP-0169-2007, Control of External Corrosion on Submerged Metallic Piping Systems, revised 2007. This document is incorporated by reference without any later amendments or modifications. To obtain a copy, contact NACE International, Box 218340, Houston, TX 77218-8340, (713) 492-0535, www.nace.org;

(V) Steel Tank Institute's Recommended Practice for Corrosion Protection of Underground Piping Networks Associated with Liquid Storage and Dispensing Systems (R892), revised 2006. This document is incorporated by reference without any later amendments or modifications. To obtain a copy, contact the Steel Tank Institute, 944 Donata Court, Lake Zurich, IL 60047, (708) 438-8265, www.steeltank.com;

4. The piping is constructed of metal without additional corrosion protection measures provided that--:

A. The piping is installed at a site that is determined by a corrosion expert not to be corrosive enough to cause it to have a release due to corrosion during its operating life; and

B. Owners and operators maintain records that demonstrate compliance with the requirements of subparagraph (1)(A)4.A. of this rule for the remaining life of the tank;

5. The following codes may be used to comply with paragraph (1)(B)4. Of this rule:

A. National Fire Protection Association Standard 30, Flammable and Combustible Liquids Code, revised 2008. This document is incorporated by reference without any later amendments or modifications. To obtain a copy, contact the National Fire Protection Association, 1 Batterymarch Park, Box 9101, Quincy, MA 02269-9101, (617) 770-3000; www.nfpa.org; and

B. NACE International SP-0169-2007, Control of External Corrosion on Submerged Metallic Piping Systems, revised 2007. This document is incorporated by reference without any later amendments or modifications. To obtain a copy, contact NACE International, Box 218340, Houston, TX 77218-8340, (713) 492-0535, www.nace.org;

[6]4. The piping construction and corrosion protection are determined by the department to be designed to prevent the release or threatened release of any stored regulated substance in a manner that is no less protective of human health and the environment than the requirements in paragraphs (1)(B)1.–[5]3. of this rule;

5. After July 1, 2017, new or replaced piping must be double-walled piping, except for any single wall fittings or ends, which must be open to a leak-tight containment sump(s), except for safe suction piping that meets the requirements of 10 CSR 26-2.041(1)(B)2.A. through E.

(C) Spill and Overfill Prevention Equipment.

1. Except as provided in paragraph (1)(C)2. of this rule, to prevent spilling and overfilling associated with product transfer to the UST system, owners and operators must use the following spill and overfill prevention equipment:

A. Spill prevention equipment that will prevent release of product to the environment when the transfer hose is detached from the fill pipe (for example, a spill catchment basin). All delivery hose-fill pipe connections must be tight, lock-on connections; and

B. Overfill prevention equipment that will—

(I) Automatically shut off flow into the tank when the tank is no more than ninety-five percent (95%) full;

(II) Alert the **transfer** operator with a high-level alarm at least one (1) minute before overfilling with an alarm audible in the delivery area; or

(III) Alert the transfer operator when the tank is no more than ninety percent (90%) full by restricting flow into the tank.

(a) Ball float valves may only be used in tank systems with gravity deliveries, in suction systems if there are no check valves, except those contained within a building, and the tank system is tight so that it does not allow vapors to be released during a delivery after the ball float valve has closed.

(b) Ball float valves are not approved for use as overfill prevention equipment in new tank systems installed after December 31, 2011. *[Ball float valves may still be used in systems equipped with manifolded vent lines and vapor recovery equipment if the ball valve is installed no lower than ninety-eight percent (98%) full and the functioning overfill equipment is installed no higher than ninety-five percent (95%) full.]*

(c) When an overfill prevention device is replaced after July 1, 2017, a ball float valve may not be used.

IV) For pressurized deliveries, overfill prevention equipment must be compatible and approved for use with pressurized deliveries.

C. All spill and overfill prevention equipment must be installed, inspected, maintained, and replaced in accordance with 10 CSR 26-2.030.

2. Owners and operators are not required to use the spill and overfill prevention equipment specified in paragraph (1)(C)1. of this rule if—

A. Alternative equipment is used that is determined by the department to be no less protective of human health and the environment than the equipment specified in subparagraph (1)(C)1.A. or B. of this rule; or

B. The owner or operator submits a written explanation that the equipment cannot be used for the UST system and their detailed fuel-delivery plan, documenting that their delivery procedures prevent spills and overfills; or

C. The UST system is filled by transfers of no more than twenty-five (25) gallons at one (1) time.

(D) *[All new tank systems installed after December 31, 2011, must be installed with containment sumps at each tank top suction piping or submersible turbine pump connection, each piping transition/ball valve location, and under each dispenser. The containment sumps must be designed to contain any leak from the primary UST piping system and]* **For new or replaced tanks or piping systems installed after July 1, 2017, containment sumps must be installed at each tank top suction piping or submersible turbine pump connection, each piping transition, ball valve or single-walled fitting location, and under each dispenser. The containment sump must be liquid-tight on its sides, bottom, and at any penetrations, with interstitial monitoring in accordance with 10 CSR 26-2.043(1)(H) and sump testing in accordance with 10 CSR 26-2.035;**

(E) Dispenser Systems. Any new dispenser system installed after July 1, 2017, must have a containment sump beneath it.

1. A dispenser system is considered new when both the dispenser and the equipment needed to connect the dispenser to the underground storage tank system are installed or replaced at a UST facility. The equipment necessary to connect the dispenser to the UST system includes check valves, shear valves, unburied risers and flexible connectors, and other transitional components that are underneath the dispenser and connect the dispenser to the underground UST system piping.

2. Under-dispenser containment must be liquid-tight on its sides, bottom, and at any penetrations and must allow for visual inspection and access to the components in the containment sump and be tested or monitored for leaks from the dispenser system in accordance with 10 CSR 26-2.035.

([E]/F) Installation. All tanks and piping must be properly installed in accordance with a code of practice developed by a nationally-recognized association or independent testing laboratory, in accordance with all manufacturers' instructions, and in accordance with 10 CSR 26-2.019. Tank and piping system installation practices and procedures described in the following codes of practice may be used to comply with the requirements of this rule:

1. American Petroleum Institute Publication 1615, *Installation of Underground Petroleum Storage System*, revised 2011. This document is incorporated by reference without any later amendments or modifications. To obtain a copy, contact the American Petroleum Institute, 1220 L Street NW, Washington, DC 20005, (202) 682-8000, www.api.org/standards/; or

2. Petroleum Equipment Institute Publication RP100, *Recommended Practices for Installation of Underground Liquid Storage Systems*, revised 2011. This document is incorporated by reference without any later amendments or modifications. To obtain a copy, contact the Petroleum Equipment Institute, Box 2380, Tulsa, OK 74101-2380, (918) 494-9696, www.pei.org.

AUTHORITY: sections 319.105 and 319.107, RSMo 2000, and section 319.137, RSMo Supp. 2010.*

***Original authority:** 319.105, RSMo 1989; 319.107, RSMo 1989, amended 1994; and 319.137, RSMo 1989, amended 1993, 1995, 2004.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate. The public entity fiscal cost impacts for compliance with the federal standards are accounted for in the federal rulemakings.

PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate. The private entity fiscal cost impacts for compliance with the federal standards are accounted for in the federal rulemakings.

10 CSR 26-2.021 [Upgrading of Existing Underground Storage Tank Systems] Upgraded Underground Storage Tank Systems

PURPOSE: [This rule contains the options for upgrading existing underground storage tanks for continued operation after December 22, 1998.] This rule contains requirements for UST systems that were in use on December 22, 1998, and were upgraded with release prevention equipment.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) Alternatives Allowed. All underground storage tank (UST) systems which are in-use must comply with one (1) of the following requirements:

- (A) New UST System performance standards in 10 CSR 26-2.020; or
- (B) The upgrading requirements in sections (3)–(5) of this rule.

(2) Any UST which was not permanently closed by being removed or filled with an inert, solid material before December 22, 1988, and that does not meet the requirements of section (1) shall be permanently closed in accordance with the requirements in 10 CSR 26-2.060 through 10 CSR 26-2.064. If the UST was taken out of operation by August 28, 1989, but is still in the ground, the person or party responsible for permanently closing the UST is/are the person(s) who owned the UST immediately before the discontinuation of its use.

(3) Tank Upgrading Requirements. Tanks must be upgraded to meet one (1) of the following requirements in accordance with a code of practice developed by a nationally-recognized association or independent testing laboratory:

- (A) *[Interior lining. A tank may be upgraded by internal lining if*

1. The lining is installed in accordance with the requirements of 10 CSR 25-2.033 and the following:

- A. Lining manufacturer installation requirements; and*
- B. An approved national code or standard, including those listed in section (6) of this rule; and either*
- C. For steel tanks, structural integrity determinations are required and must include actual steel tank thickness readings. Approved integrity test methods are included in section (6) of this rule; or*
- D. For fiberglass-reinforced tanks, all linings must be approved by the tank manufacturer and installed in accordance with the tank manufacturer's requirements.*

2. *Within ten (10) years after the initial lining, and every five (5) years after that, whether relined or not, the lined tank is internally inspected and found to be structurally sound with the lining still performing in accordance with original design specifications; and.*

3. *A tank may only be relined and/or the lining may only be repaired—*

A. If the fiberglass-reinforced plastic tank meets all manufacturer standards for repair or relining of the tank; or

B. If the steel tank passes an integrity test, including actual shell thickness readings. Approved integrity test methods are included in section (6) of this rule;]

Interior lining or Tank Retrofit. A tank may be upgraded by internal lining or retrofit if—

1. The lining is installed in accordance with the requirements of 10 CSR 26-2.033 and the lining or retrofit meets the following additional requirements:

A. All linings installed or repaired on or after January 1, 2020, must meet the design specifications of Underwriters Laboratories (UL) 1856 Outline of Investigation for Underground Fuel Tank Internal Retrofit Systems requirements;

B. Inspections and repairs must be conducted by a technician who is properly certified by NACE International or International Code Council (ICC);

C. The lining or retrofit is installed according to manufacturer installation requirements;

D. An approved national code or standard, including those listed in section (7) of this rule, is followed;

E. For fiberglass-reinforced plastic tanks, all linings must be approved by the tank manufacturer and installed in accordance with the tank manufacturer's requirements. If the tank manufacturer is no longer available or willing to repair the tank, the tank may be lined in accordance with:

(I) The manufacturer's requirements, or

(II) The Fiberglass Tank & Piping Institute T-95-1. Remanufacturing of Fiberglass Reinforced Plastic (FRP) Underground Storage Tanks, Revised 1995. This document is incorporated by reference without any later amendments or modifications. To obtain a copy, contact the Fiberglass Tank and Piping Institute, <http://www.fiberglass-tank-and-pipe.com>; and

(III) By a technician who is properly certified by NACE International, International Code Council (ICC), or the American Composites Manufacturers Association;

F. All linings must be installed, inspected, repaired and maintained in accordance with one of the following:

(I) For UL 1856 Lining systems, single-walled, co-structural systems and linings installed prior to January 1, 2020:

(a) A lining may only be repaired if the steel tank passes an integrity test, including actual steel shell thickness readings. Approved integrity test methods are included in section (7) of this rule;

(b) A replacement lining may only be installed if the new lining meets the UL 1856 specifications and the steel tank passes an integrity test, including actual steel shell thickness readings. Approved integrity test methods are included in section (7) of this rule;

(c) The lining must be internally inspected at least every five (5) years and found to be structurally sound with the lining still performing in accordance with the original design specifications.

(II) For UL 1856 Upgrade systems, double-walled, co-structural systems:

(a) A lining may only be installed or repaired if the steel tank passes an integrity test, including actual steel shell thickness readings. Approved integrity test methods are included in section (7) of this rule; and

(b) The lining must be internally inspected at least every five (5) years and found to be structurally sound with the lining still performing in accordance with the original design specifications; or

(c) The interstitial lining space is electronically monitored, with passing sensor status reports for the most recent twelve (12) months, in accordance with 10 CSR 26-2.043(H).

(III) For UL 1856 Structural systems, double-walled, self-structural systems:

(a) The lining must be internally inspected at least every five (5) years and found to be structurally sound with the lining still performing in accordance with the original design specifications; or

(b) The interstitial lining space is electronically monitored, with passing sensor status reports for the most recent twelve (12) months, in accordance with 10 CSR 26-2.043(H).

G. All interior lining inspection reports must include photographs of the tank bottom, a representative tank side wall and a representative tank end, and documentation of the interior lining hardness and thickness readings, in accordance with the evaluation guidance document used.

(B) Cathodic Protection. A tank may be upgraded by cathodic protection if the cathodic protection system meets the requirements of the performance standards for new UST systems in 10 CSR 26-2.020(1)(A)2.B.–D. and the integrity of the tank is ensured using one (1) of the following methods:

1. The tank is internally inspected and assessed to ensure that the tank is structurally sound and free of corrosion holes prior to installing the cathodic protection system. Structural integrity evaluations must include steel shell thickness readings and confirmation that the steel shell does not have any holes or perforations. Approved integrity test methods are included in section (6/7) of this rule;

2. The tank has been installed for less than ten (10) years and is monitored monthly for releases in accordance with release detection methods in 10 CSR 26-2.043(1)(E)–(I);

3. The tank has been installed for less than ten (10) years and is assessed for corrosion holes by conducting two (2) tightness tests that meet the requirement of release detection method in 10 CSR 26-2.043(1)(D). The first tightness test must be conducted prior to installing the cathodic protection system. The second tightness test must be conducted between three and six (3–6) months following the first operation of the cathodic protection system; or

4. The tank is assessed for corrosion holes by a method that is determined by the department to prevent releases in a manner that is no less protective of human health and the environment than paragraphs (3)(B)1.–3. of this rule; and

(C) Internal Lining Combined With Cathodic Protection. A tank may be upgraded by both internal lining and cathodic protection if—

1. The lining is installed in accordance with the requirements of 10 CSR 26-2.033; and

2. The cathodic protection system meets the requirements of 10 CSR 26-2.020(1)(A)2.B.–D.

(4) Piping Upgrading Requirements. Metal piping that routinely contains regulated substances and is in contact with an electrolyte, including but not limited to soil, backfill, and/or water, must be cathodically protected *[in accordance with a code of practice developed by a nationally-recognized association or independent testing laboratory]* and must meet the requirements of 10 CSR 26-2.020(1)(B)3.B.–~~[D]~~**E**.

(A) New piping installed at an existing facility must comply with the requirements of 10 CSR 26-2.020.

(5) Spill and Overfill Prevention Equipment. To prevent spilling and overfilling associated with product transfer to the UST system, all existing UST systems must comply with new UST system spill and overfill prevention equipment requirements specified in 10 CSR 26-2.020(1)(C) **and 10 CSR 26-2.030**.

(6) Dispenser Systems. Any new dispenser installed after July 1, 2017, must have a containment sump beneath it, in accordance with 10 CSR 26-2.020(1)(E).

~~[(6)]~~7) The following codes and standards may be used to comply with this rule:

(A) American Petroleum Institute Standard 1631, *Interior Lining and Periodic Inspection of Underground Storage Tanks*, revised 2001. This document is incorporated by reference without any later amendments or modifications. To obtain a copy, contact the American Petroleum Institute, 1220 L Street NW, Washington, DC 20005, (202) 682-8000, www.api.org/standards/;

(B) NACE International RP 0285-2002, *Corrosion Control of Underground Storage Tank Systems by Cathodic Protection*, revised 2002. This document is incorporated by reference without any later amendments or modifications. To obtain a copy, contact NACE International, Box 218340, Houston, TX 77218-8340, (713) 492-0535, www.nace.org;

(C) American Petroleum Institute Publication 1632, *Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems*, revised 2002. This document is incorporated by reference without any later amendments or modifications. To obtain a copy, contact the American Petroleum Institute, 1220 L Street NW, Washington, DC 20005, (202) 682-8000, www.api.org/standards/;

(D) American Society for Testing and Materials G158-98 (2010) *Standard Guide for Three Methods of Assessing Buried Steel Tanks*, revised 2010, Method B only. Methods A and C may not be used to evaluate the integrity of a steel tank. This document is incorporated by reference without any later amendments or modifications. To obtain a copy, contact the American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, (610) 832-9500, www.astm.org; *[and]*

(E) National Leak Prevention Association Standard 631, *Spill Prevention, Minimum 10 Year Life Extension of Existing Steel Underground Tanks by Lining Without the Addition of Cathodic Protection*, revised 1999. This standard may only be used for interior lining application and inspection, not for inspection of the steel tank integrity. This document is incorporated by reference without any later amendments or modifications. To obtain a copy, contact the National Leak Prevention Association, (815) 301-2785, www.nlpa-online.org; **and**

(F) Ken Wilcox Associates Recommended Practice, *Recommended Practice for Inspecting Buried Lined Steel Tanks Using a Video Camera*, September 28, 1999. This document is incorporated by reference without any later amendments or modifications. To obtain a copy, contact Ken Wilcox Associates, 1125 Valley Ridge Drive, Grain Valley, MO 64029, (816)443-2494, www.kwaleak.com.

*AUTHORITY: sections 319.105 and 319.107, RSMo 2000, and section 319.137, RSMo Supp. 2010.**

**Original authority: 319.105, RSMo 1989; 319.107, RSMo 1989, amended 1994; and 319.137, RSMo 1989, amended 1993, 1995, 2004.*

PUBLIC ENTITY COST: The state changes in this rule are expected to cost public entities \$560 one-time and \$126 annually thereafter to comply with the new requirements of this rule. A detailed fiscal note has been filed with the Secretary of State. The public entity fiscal cost impacts for compliance with the federal standards that are being incorporated into this rule are accounted for in the federal rulemakings.

PRIVATE ENTITY COST: The state changes in this rule are expected to cost private entities \$7,440 one-time and \$1,674 annually thereafter to comply with the new requirements of this rule. A detailed fiscal note has been filed with the Secretary of State. The private entity fiscal cost impacts for compliance with the federal standards that are being incorporated into this rule are accounted for in the federal rulemakings.

10 CSR 26-2.022 Notification Requirements

PURPOSE: This rule specifies the registration procedures for underground storage tanks.

(1) Any owner who brings an underground storage tank (UST) system in-operation must, within thirty (30) days of bringing the tank *[into]* **in**-operation, register the completed UST system on forms provided by the department. Note: Owners and operators of UST systems that were in the ground on or after May 8, 1986, unless taken out-of-use on or before January 1, 1974, were required to notify the state in accordance with the Hazardous and Solid Waste Amendments of 1984, P.L. 98-616, on a form published by Environmental Protection Agency (EPA) on November 8, 1985 (50 FR 46602), unless notice was given pursuant to section 103(c) of Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA). Owners and operators who have not complied with the notification requirements *[may]***must** use **a** form*[s provided]* **approved** by the department.

(2) *[Notices required to be submitted under section (1) of this rule must provide all of the information requested in a form approved by the department for each UST.]* **No later than July 1, 2019, owners of previously deferred UST systems must register their UST system(s) on forms approved by the department.**

(3) All owners and operators of new UST systems must certify in writing compliance with the following requirements:

(A) Installation of tanks and piping in 10 CSR 26-2.020(1)(E);

- (B) Cathodic protection of steel tanks and piping under 10 CSR 26-2.020(1)(A) and (B);
- (C) Financial responsibility in 10 CSR 26-3.090–10 CSR 26-3.115; and
- (D) Release detection in 10 CSR 26-2.040–10 CSR 26-2.045.

(4) If the owner changes, the new owner or operator shall complete and file an updated registration form with the department within thirty (30) days of the change(s).

(5) The department shall issue a Certificate of Registration for any tanks which meet the requirements in sections (1) through (4) of this rule and 10 CSR 26-2.020 and 10 CSR 26-2.021. The Certificate of Registration shall be valid for five (5) years except as described in section (6) of this rule.

(6) The department shall establish effective dates and expiration dates for Certificates of Registration issued under this rule. These dates shall establish a period of from one to five (1–5) years for an initial Certificate of Registration and a period of five (5) years for subsequent Certificates of Registration.

(7) Information submitted to the department after January 1, 1990, under sections (1) through (4) of this rule for a tank brought into use before January 1, 1990, or for a tank brought into use after September 28, 1990, is an application for a Certificate of Registration and shall be accompanied by a fee as described in section (8).

(8) Fees required under section (7) of this rule shall be paid in one (1) payment of seventy-five dollars (\$75). No fees shall be collected for registration of tanks which were permanently closed prior to August 28, 1989. No further fees shall be assessed upon registered USTs once permanent closure has been completed and any fees to date have been paid.

*AUTHORITY: sections 319.103, 319.105, 319.107, 319.111, 319.114, and 319.123, RSMo 2000, and section 319.137, RSMo Supp. 2010.**

**Original authority: 319.103, RSMo 1989; 319.105, RSMo 1989; 319.107, RSMo 1989, amended 1994; 319.111, RSMo 1989; 319.114, RSMo 1989; 319.123, RSMo 1989; and 319.137, RSMo 1989, amended 1993, 1995, 2004.*

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate. The public entity fiscal cost impacts for compliance with the federal standards are accounted for in the federal rulemakings.

PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate. The private entity fiscal cost impacts for compliance with the federal standards are accounted for in the federal rulemakings.

10 CSR 26-2.030 [Spill and Overfill Control]Spill and Overfill Control for In-Use Underground Storage Tank Systems

PURPOSE: This rule is designed to prevent releases during routine filling of the underground storage tank with product.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) Owners and operators must ensure that releases due to spilling or overfilling do not occur. The owner and operator must ensure that the volume available in the tank is greater than the volume of product to be transferred to the tank before the transfer is made and that the transfer operation is monitored constantly to prevent overfilling and spilling.

(2) The owner and operator must report, investigate, and clean up any spills and overfills in accordance with 10 CSR 26-2.053.

(3) Owners and operators must meet one (1) of the following requirements to ensure their spill prevention equipment is operating properly and will prevent releases to the environment:

(A) Have double-walled spill prevention equipment and monitor the space between the walls at least once every thirty (30) days; or

(B) The spill prevention equipment is tested at least triennially to ensure the spill prevention equipment is liquid tight by using vacuum, pressure or liquid testing in accordance with one of the following:

1. Requirements developed by the manufacturer (Note: This option may only be used if the manufacturer has developed testing requirements. Self-testing apparatus may only be used if pre-approved by the department as a valid functionality test); or

2. Interstitial test (for double-walled spill basins only) or spill containment test listed by the National Work Group on Leak Detection Evaluations. To obtain copies of equipment certifications, contact the National Work Group for Leak Detection Evaluations, www.nwglde.org; or

3. Petroleum Equipment Institute RP 1200-12, *Recommended Practices for the Testing and Verification of Spill, Overfill, Leak Detection and Secondary Containment Equipment at UST Facilities*. This document is incorporated by reference without any later amendments or modifications. To obtain a copy, contact the Petroleum Equipment Institute, Box 2380, Tulsa, OK 74101-2380, (918) 494-9696, www.pei.org; or

4. Other methods approved by the department, which may include a code of practice developed by a nationally recognized association or independent testing laboratory, determined to be no less protective of human health and the environment than the requirements listed in paragraphs 1. and 2. of this subsection.

(4) Spill basins may not be repaired with a partial or spot, field-applied repair kit or product. Repairs must either be a manufacturer-designed replacement insert or a complete factory-built, field-installed complete spill basin repair kit. Other repairs may be

approved by the department if they are determined to be no less protective of human health and the environment.

(5) Owners and operators must ensure their overfill prevention equipment is operating properly and will prevent releases to the environment. Overfill prevention equipment must be inspected or tested at least triennially. At a minimum, the test or inspection must ensure that overfill prevention equipment is set to activate at the correct level specified in 10 CSR 26-2.020 and will activate when the regulated substance reaches that level. Tests or inspections must be conducted in accordance with one of the following criteria:

(A) Requirements developed by the manufacturer, but only if the test or inspection confirms that all portions of the overfill device are intact and functional. (Note: This option may be used if the manufacturer has developed testing requirements. Self-testing apparatus may only be used if approved by the department as a valid functionality test); or

(B) Petroleum Equipment Institute RP 1200-12, *Recommended Practices for the Testing and Verification of Spill, Overfill, Leak Detection and Secondary Containment Equipment at UST Facilities*. This document is incorporated by reference without any later amendments or modifications. To obtain a copy, contact the Petroleum Equipment Institute, Box 2380, Tulsa, OK 74101-2380, (918) 494-9696, www.pei.org; or

(C) Other methods approved by the department, which may include a code of practice developed by a nationally recognized association or independent testing laboratory, determined to be no less protective of human health and the environment than the requirements listed in paragraphs 1. and 2. of this subsection.

(6) The first test of the spill equipment and the first test or inspection of the overfill prevention equipment required by this rule is due no later than January 1, 2020.

(7) If a tank has been out of use for more than twelve (12) months, equipment must be confirmed operational with a test of the spill prevention equipment and an inspection or test of the overfill prevention equipment, prior to bringing back in-use.

(8) Owners and operators must maintain the following records, in accordance with 10 CSR 26-2.034, for spill and overfill prevention equipment:

(A) Test and/or inspection records must be maintained for three (3) years; and/or

(B) When using interstitial monitoring, records must be maintained for twelve (12) months.

(9) Guidance on spill and overfill prevention appears in the—

(A) American Petroleum Institute Publication 1621, *Recommended Practice for Bulk Liquid Stock Control at Retail Outlets*, revised 2001. This document is incorporated by reference without any later amendments or modifications. To obtain a copy, contact the American Petroleum Institute, 1220 L Street NW, Washington, DC 20005, (202) 682-8000, www.api.org/standards/; and

(B) National Fire Protection Association Standard 30, *Flammable and Combustible Liquids Code*, revised 2008. This document is incorporated by reference without any later amendments or modifications. To obtain a copy, contact the National Fire Protection Association, 1 Batterymarch Park, Box 9101, Quincy, MA 02269-9101, (617) 770-3000, www.nfpa.org.

(C) Petroleum Equipment Institute RP 1200-12, *Recommended Practices for the Testing and Verification of Spill, Overfill, Leak Detection and Secondary Containment Equipment at UST Facilities*. This document is incorporated by reference without any later amendments or modifications. To obtain a copy, contact the Petroleum Equipment Institute, Box 2380, Tulsa, OK 74101-2380, (918) 494-9696, www.pei.org.

(D) National Fire Protection Association Standard 385, *Standard for Tank Vehicles for Flammable and Combustible Liquids*, revised 2012. This document is incorporated by reference without any later amendments or modifications. To obtain a copy, contact the National Fire Protection Association, 1 Batterymarch Park, Box 9101, Quincy, MA 02269-9101, (617) 770-3000, www.nfpa.org

(E) American Petroleum Institute Recommended Practice 1007, *Loading and Unloading of MC 306/DOT Cargo Tank Motor Vehicles*, revised 2011. This document is incorporated by reference without any later amendments or modifications. To obtain a copy, contact the American Petroleum Institute, 1220 L Street NW, Washington, DC 20005, (202) 682-8000, www.api.org/standards

*AUTHORITY: sections 319.105 and 319.107, RSMo 2000, and section 319.137, RSMo Supp. 2010.**

**Original authority: 319.105, RSMo 1989; 319.107, RSMo 1989, amended 1994; and 319.137, RSMo 1989, amended 1993, 1995, 2004.*

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate. The public entity fiscal cost impacts for compliance with the federal standards are accounted for in the federal rulemakings.

PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate. The private entity fiscal cost impacts for compliance with the federal standards are accounted for in the federal rulemakings.

10 CSR 26-2.031 Operation and Maintenance of Corrosion Protection

PURPOSE: This rule contains the requirements for corrosion protection systems.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) All owners and operators of *[steel]* **metal** underground storage tank (UST) systems with corrosion protection must comply with the following requirements to ensure that releases due to corrosion are prevented *[for as long as the UST system is used to store regulated substances]* **until the system is permanently closed or has an out of use site assessment conducted in accordance with 10 CSR 26-2.060 through 10 CSR 26-2.064.**

(A) All corrosion protection systems must be operated and maintained to continuously provide corrosion protection to the metal components of that portion of the tank and piping that routinely contain regulated substances and are in contact with an electrolyte, including but not limited to soil, backfill, and/or water.

(B) All UST systems equipped with cathodic protection systems must be inspected for proper operation by a NACE International certified, Steel Tank Institute certified, or International Code Council (ICC) appropriately certified cathodic protection tester in accordance with the following requirements:

1. Frequency. To confirm that the system is operating properly and providing adequate protection, all cathodic protection systems must be tested within six (6) months of installation and at least triennially after that, or according to another reasonable time frame established by the department; and

2. Inspection criteria. The criteria that are used to determine that cathodic protection (CP) is adequate as required by this section must be in accordance with a code of practice developed by a nationally-recognized association listed in section (2) of this rule.

A. Inspection reports must document the testing method used, the testing standard referenced, the CP tester, and the CP tester's qualifications.

B. Inspection reports must include a site sketch, potential readings, and the location where the readings were made.

C. For impressed current systems, the inspection report must document continuity data and how voltage (IR) drops other than those across the structure/electrolyte interface were considered or accounted for in determining adequate protection.

(C) UST systems with impressed current cathodic protection systems must also be inspected every sixty (60) days to ensure the equipment is running properly.

1. Rectifier log reports must include relevant system data, including but not limited to amperage readings, voltage readings, hour meter, and indicator light, where available.

2. Any indication of deviations from previous rectifier logs or rectifier readings or the most recent cathodic protection system inspection of the rectifier or cathodic protection system, such as variances in current reading or indicator light, must be appropriately investigated.

(D) For UST systems using cathodic protection, records of the operation of the cathodic protection system must be maintained *[in accordance with 10 CSR 26-2.034/]* to demonstrate compliance with the performance standards in this rule. These records must provide the following:

1. The results of the last three (3) inspections required in subsection (1)(C) of this rule; and

2. The results of testing from the last two (2) inspections required in subsection (1)(B) of this rule.

(2) The following codes and standards may be used to comply with this rule:

(A) NACE International RP 0285-2002, *Corrosion Control of Underground Storage Tank Systems by Cathodic Protection*, revised 2002. This document is incorporated by reference without any later amendments or modifications. To obtain a copy, contact NACE International, Box 218340, Houston, TX 77218-8340, (713) 492-0535, www.nace.org; [or]

(B) NACE International TM0101-2001, *Standard Test Method, Measurement Techniques Related to Criteria for Cathodic Protection on Underground or Submerged Metallic Tank Systems*, 2001 edition. This document is incorporated by reference without any later amendments or modifications. To obtain a copy, contact NACE International, Box 218340, Houston, TX 77218-8340, (713) 492-0535, www.nace.org; [or]

(C) **NACE International SP-0169-2007, *Control of External Corrosion on Submerged Metallic Piping Systems*, revised 2007. This document is incorporated by reference without any later amendments or modifications. To obtain a copy, contact NACE International, Box 218340, Houston, TX 77218-8340, (713) 492-0535, www.nace.org;**

(D) **NACE International TM0497-2012, *Measurement Techniques Related to Criteria for Cathodic Protection on Underground or Submerged Metallic Piping Systems*, revised 2012. This document is incorporated by reference without any later amendments or modifications. To obtain a copy, contact NACE International, Box 218340, Houston, TX 77218-8340, (713) 492-0535, www.nace.org;**

([C/E]) Steel Tank Institute Cathodic Protection Testing Procedures for sti-P3 USTs, R051, January 2006. This document is incorporated by reference without any later amendments or modifications. To obtain a copy, contact the Steel Tank Institute, 944 Donata Court, Lake Zurich, IL 60047, (708) 438-8265, www.steeltank.com; [or]

([D/F]) Steel Tank Institute Recommended Practice for the Addition of Supplemental Anodes to sti-P3 USTs, R972, December 2010. This document is incorporated by reference without any later amendments or modifications. To obtain a copy, contact the Steel Tank Institute, 944 Donata Court, Lake Zurich, IL 60047, (708) 438-8265, www.steeltank.com;

(G) Steel Tank Institute Recommended Practice for Corrosion Protection of Underground Piping Networks Associated with Liquid Storage and Dispensing Systems, R892, Revised January 2006. To obtain a copy, contact the Steel Tank Institute, 944 Donata Court, Lake Zurich, IL 60047, (708) 438-8265, www.steeltank.com.

(3) If cathodic protection is being used to protect all or part of a UST system from corrosion, and the electric system energizing the cathodic protection has been off, unhooked, or damaged for more than ninety (90) days, the owner/operator must—

(A) Conduct a[n] **tank** integrity test, documenting adequate tank shell integrity and thickness, as required in 10 CSR 26-2.021(3)(B); and

(B) Have a corrosion expert or design engineer re-evaluate the UST system, cathodic protection system, and surrounding structures and design and/or make changes to the existing cathodic protection system to meet the standards in 10 CSR 26-2.020(1)(A)2.B.–D.

(C) Replace metal piping components;

([C/D]) The owner/operator may request an additional ninety (90) days to repair the systems by submitting a request, including the justification for the extension; or

([D/E]) Permanently close the tank, in accordance with 10 CSR 26-2.060 through 10 CSR 26-2.064.

(4) If a cathodic protection system test indicates that the system is not operating properly or does not provide adequate protection, as defined by the testing method used, and the system is not repaired or does not pass a re-test within ninety (90) days, or if a required cathodic protection system test is not conducted, the owner/operator must comply with the requirements outlined in section (3) of this rule.

*AUTHORITY: sections 319.105 and 319.107, RSMo 2000, and section 319.137, RSMo Supp. 2010.**

**Original authority: 319.105, RSMo 1989; 319.107, RSMo 1989, amended 1994; and 319.137, RSMo 1989, amended 1993, 1995, 2004.*

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate. The public entity fiscal cost impacts for compliance with the federal standards are accounted for in the federal rulemakings.

PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate. The private entity fiscal cost impacts for compliance with the federal standards are accounted for in the federal rulemakings.

10 CSR 26-2.032 Compatibility

PURPOSE: This rule prevents releases caused by chemical action on the underground storage tank system by the stored regulated substance.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) Owners and operators must use an underground storage tank (UST) system made of or lined with materials that are compatible with the substance stored in the UST system. If a lining is installed for compatibility purposes, it must be maintained and inspected in accordance with 10 CSR 26-2.021(3)(A).

(2) Owners and operators must notify the department at least thirty (30) days prior to switching to a regulated substance containing greater than ten percent (10%) ethanol and/or greater than twenty percent (20%) biodiesel.

(3) Owners and operators may use one (1) or more of the following methods to demonstrate UST system compatibility with the regulated substance stored:

(A) Certification or listing of UST system components by a nationally recognized, independent testing laboratory for use with the regulated substance stored; or

(B) Equipment or component manufacturer approval. The manufacturer's approval must be in writing, indicate an affirmative statement of compatibility and functionality,

specify the range of product blends with which the component is compatible, and be from the equipment or component manufacturer; or

(C) Another method determined by the department to be no less protective of human health and the environment than the methods listed in subsection (A) or (B) of this section.

(4/2) Owners and operators storing alcohol blends may use the following codes to comply with this rule:

(A) American Petroleum Institute *[Publication]***Recommended Practice** 1626, *Storing and Handling Ethanol and Gasoline-Ethanol Blends at Distribution Terminals and Service Stations, [revised 2001]***2010 Edition with 2012 Addendum**. This document is incorporated by reference without any later amendments or modifications. To obtain a copy, contact the American Petroleum Institute, 1220 L Street NW, Washington, DC 20005, (202) 682-8000, www.api.org/standards/; *[or]*

[(B) American Petroleum Institute Publication 1627, Storage and Handling of Gasoline-Methanol/Cosolvent Blends at Distribution Terminals and Service stations, revised 2001. This document is incorporated by reference without any later amendments or modifications. To obtain a copy, contact the American Petroleum Institute, 1220 L Street NW, Washington, DC 20005, (202) 682-8000, www.api.org/standards/; or]

*[(C)]***B**) Other standards or publications approved by the department.

AUTHORITY: section 319.105, RSMo 2000, and section 319.137, RSMo Supp. 2010. This rule originally filed as 10 CSR 20-10.032. Original rule filed April 2, 1990, effective Sept. 28, 1990. Moved and amended: Filed April 15, 2011, effective Dec. 30, 2011.*

**Original authority: 319.105, RSMo 1989 and 319.137, RSMo 1989, amended 1993, 1995, 2004.*

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate. The public entity fiscal cost impacts for compliance with the federal standards are accounted for in the federal rulemakings.

PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate. The private entity fiscal cost impacts for compliance with the federal standards are accounted for in the federal rulemakings.

10 CSR 26-2.033 Repairs Allowed

PURPOSE: This rule describes methods for repair of underground storage tank systems.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) Owners and operators of underground storage tank (UST) systems must ensure that repairs will prevent releases due to structural failure or corrosion as long as the UST system is used to store regulated substances.

(2) The repairs must meet the following requirements:

(A) Repairs to UST systems must be properly conducted in accordance with a code of practice developed by a nationally-recognized association or an independent testing laboratory.

1. The following codes and standards may be used to comply with subsection (2)(A) of this rule:

A. National Fire Protection Association Standard 30, *Flammable and Combustible Liquids Code*, revised 2008. This document is incorporated by reference without any later amendments or modifications. To obtain a copy, contact the National Fire Protection Association, 1 Batterymarch Park, Box 9101, Quincy, MA 02269-9101, (617) 770-3000, www.nfpa.org;

B. National Fire Protection Association Standard 326, *Standard for the Safeguarding of Tanks and Containers for Entry, Cleaning, or Repair*, revised 2015. This document is incorporated by reference without any later amendments or modifications. To obtain a copy, contact the National Fire Protection Association, 1 Batterymarch Park, Box 9101, Quincy, MA 02269-9101, (617) 770-3000, www.nfpa.org;

[B]C. American Petroleum Institute Publication 2200, *Repairing Crude Oil, Liquefied Petroleum Gas, and Product Pipelines*, revised 2001. This document is incorporated by reference without any later amendments or modifications. To obtain a copy, contact the American Petroleum Institute, 1220 L Street NW, Washington, DC 20005, (202) 682-8000, www.api.org/standards/;

[C]D. American Petroleum Institute Standard 1631, *Interior Lining and Periodic Inspection of Underground Storage Tanks*, revised 2001. This document is incorporated by reference without any later amendments or modifications. To obtain a copy, contact the American Petroleum Institute, 1220 L Street NW, Washington, DC 20005, (202) 682-8000, www.api.org/standards/; and

[D]E. National Leak Prevention Association Standard 631, *Spill Prevention, Minimum 10-Year Life Extension of Existing Steel Underground Tanks by Lining Without the Addition of Cathodic Protection*, revised 1999. This standard may only be used for interior lining application and inspection, not for integrity testing of the steel shell. This document is incorporated by reference without any later amendments or modifications. To obtain a copy, contact the National Leak Prevention Association, (815) 301-2785, www.nlpa-online.org;

F. Fiberglass Tank and Piping Institute T-95-1, *Remanufacturing of Fiberglass Plastic (FRP Underground Storage Tanks)*, Revised 1995. This document is incorporated by reference without any later amendments or modifications. To obtain a copy, contact the Fiberglass Tank and Piping Institute, <http://www.fiberglassstankandpipe.com>;

(B) Repairs to fiberglass-reinforced plastic tanks may be made by the manufacturer's authorized representatives or in accordance with a code of practice developed by a nationally-recognized association or an independent testing laboratory;

(C) Metal pipe sections and fittings that have released a regulated substance as a result of corrosion or other damage must be replaced. For cathodically protected metal piping, the entire length of electrically-continuous metal pipe must be replaced. [Fiberglass] **Non-corrodible** pipes and fittings may be repaired in accordance with the manufacturer's specifications;

(D) Repairs must be done by a person who is properly registered with the Missouri Department of Agriculture and who has a financial responsibility mechanism that complies with the requirements of 2 CSR 90-30.085;

(E) Repaired tanks and/or piping must be tightness tested in accordance with release detection methods listed in 10 CSR 26-2.043(1)(D) and 10 CSR 26-2.044(1)(B) within thirty (30) days following the date of the completion of the repair, *[except as provided in the following paragraphs:]* **unless tested using another method that is determined by the department to be no less protective of human health and the environment.**

[1. The repaired tank is internally inspected in accordance with a code of practice developed by a nationally-recognized association or an independent testing laboratory;

2. The repaired portion of the UST system is monitored monthly for releases by one (1) of the release detection methods listed in 10 CSR 26-2.043(1)(B) and (E)–(I); or]

(F) Repairs of UST systems, or any portion of a UST system, required to be double-walled, must be tested to confirm the integrity of both walls of the repaired tank or piping system within thirty (30) days following the completion of any repair;

(G) Repairs to any required containment sumps must be tested using a method specified in 10 CSR 26-2.035(1)(B) within thirty (30) days following the completion of any repair;

(H) Within thirty (30) days following any repair to spill or prevention equipment, the repaired spill or overfill prevention equipment must be tested in accordance with 10 CSR 26-2.030 to ensure it is operating properly.

([F/I]) Within six (6) months following the repair of any cathodically protected UST system, the cathodic protection system must be tested with the methods of operation and maintenance of corrosion protection in 10 CSR 26-2.031(1)(B) and (C) to ensure that it is operating properly. Repair may include, but is not limited to, adjustments, maintenance, replacement, or changes to cathodic protection equipment and/or tank repairs; and

([G/J]) If a tank is repaired by installation of an interior lining, the lining must be properly maintained and inspected, in accordance with 10 CSR 26-2.021(3)(A), for the life of the tank; and

([H/K]) UST system owners and operators must maintain records **demonstrating compliance with this rule** *[of]for* each repair for the remaining operating life of the UST system *[that demonstrate compliance with the requirement of this rule]*.

AUTHORITY: sections 319.105 and 319.107, RSMo 2000, and section 319.137, RSMo Supp. 2010. This rule originally filed as 10 CSR 20-10.033. Original rule filed April 2, 1990, effective Sept. 28, 1990. Moved and amended: Filed April 15, 2011, effective Dec. 30, 2011.*

**Original authority: 319.105, RSMo 1989; 319.107, RSMo 1989, amended 1994; and 319.137, RSMo 1989, amended 1993, 1995, 2004.*

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate. The public entity fiscal cost impacts for compliance with the federal standards are accounted for in the federal rulemakings.

PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate. The private entity fiscal cost impacts for compliance with the federal standards are accounted for in the federal rulemakings.

10 CSR 26-2.034 Reporting and Record Keeping

PURPOSE: This rule explains how the owner and operator must keep records demonstrating compliance with the requirements of this chapter. These records must be furnished to the department on request.

(1) Owners and operators of underground storage tank (UST) systems must cooperate fully with inspections, monitoring, and testing conducted by the department, or the department's authorized representative, as well as requests for document submission, testing, and monitoring[*by the owner or operator*].

(A) Reporting. Owners and operators must submit the following information to the department:

1. Notification for all UST systems *[by]* **subject to** the notification requirements in 10 CSR 26-2.022;

2. Reports of all releases including suspected releases (10 CSR 26-2.050), spills and overfills (10 CSR 26-2.053), and confirmed releases (10 CSR 26-2.071);

3. Corrective actions planned or taken including initial abatement measures (10 CSR 26-2.072), initial site characterization (10 CSR 26-2.074), free product removal (10 CSR 26-2.075), investigation of soil and groundwater cleanup (10 CSR 26-2.078), and corrective action plan (10 CSR 26-2.082); and

4. A notification before permanent closure or change in service (10 CSR 26-2.061).

(B) Record Keeping. Owners and operators must maintain the following information:

1. *[A corrosion expert's expert analysis of site corrosion potential if corrosion protection equipment is not used (10 CSR 26-2.020(1)(A)4. And (1)(B)4.;]* **Installation records for secondary containment of double-walled equipment, including tanks, piping, containment sumps, and spill basins, installed after July 1, 2017;**

2. Documentation of operation of corrosion protection equipment (10 CSR 26-2.031);

3. Documents demonstrating compatibility of UST systems, including tanks, piping, release detection equipment and all other ancillary equipment with the regulated substance being stored (10 CSR 26-2.032);

*[3]*4. Documentation of UST system repairs (10 CSR 26-2.033[(2)(H)]);

5. Documentation demonstrating spill and overfill prevention equipment is being properly maintained, inspected and tested (10 CSR 26-2.030);

6. Documentation of containment sump testing results (10 CSR 26-2.035);

7. Documentation of periodic walk-through inspections (10 CSR 26-2.036);

*[4]*8. Recent compliance with release detection requirements (10 CSR 26-2.048*[5]*); and

*[5]*9. Results of the site investigation conducted at permanent closure (10 CSR 26-2.064).

10. Documentation demonstrating compliance with the operator training rule (10 CSR 100-6).

(C) Availability and Maintenance of Records. Owners and operators must keep the records required either—

1. At the UST site and immediately available for inspection by the department; or

2. At a readily available alternative site and be provided for inspection to the department within three (3) working days or five (5) calendar days upon receipt of a written request. A written request shall be made in the following manner:

A. The department shall provide a written request at the time of inspection to site personnel; or

B. In the cases of unattended sites or inspections conducted after normal business hours, written notice shall be made by certified mail; or

3. If the owner or operator fails to meet the requirements of paragraph (1)(C)2., the department may order or otherwise require that owner or operator to maintain records on-site per paragraph (1)(C)1.; or

4. In the case of permanent closure records required under 10 CSR 26-2.064, owners and operators are also provided with the additional alternative of mailing closure records to the department if they cannot be kept at the site or an alternative site as indicated in this section.

*AUTHORITY: sections 319.107 and 319.111, RSMo 2000, and section 319.137, RSMo Supp. 2010.**

**Original authority: 319.107, RSMo 1989, amended 1994; 319.111, RSMo 1989; and 319.137, RSMo 1989, amended 1993, 1995, 2004.*

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate. The public entity fiscal cost impacts for compliance with the federal standards are accounted for in the federal rulemakings.

PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate. The private entity fiscal cost impacts for compliance with the federal standards are accounted for in the federal rulemakings.

10 CSR 26-2.035 Testing of Containment Sumps

PURPOSE: This rule contains the requirements for testing the newly required containment sumps associated with underground storage tank systems.

(1) Owners and operators of UST systems with containment sumps required by 10 CSR 26-2.020 and/or 10 CSR 26-2.021, must ensure the continued integrity of required containment sumps by meeting one of the following requirements:

(A) The containment sump has two (2) walls and the integrity of both walls is monitored annually; or

(B) The containment sump primary wall is tested at least triennially to ensure the equipment is liquid tight by using vacuum, pressure or liquid testing in accordance with one (1) of the following criteria:

1. Requirements developed by the manufacturer (Note: Owners and operators may use this option only if the manufacturer has developed testing requirements);

2. An interstitial test or containment sump test listed by the National Work Group on Leak Detection Evaluations. To obtain copies of equipment certifications, contact the National Work Group for Leak Detection Evaluations, www.nwglde.org; or

3. Petroleum Equipment Institute RP 1200-12, *Recommended Practices for the Testing and Verification of Spill, Overfill, Leak Detection and Secondary Containment Equipment at UST Facilities*. This document is incorporated by reference without any later amendments or modifications. To obtain a copy, contact the Petroleum Equipment Institute, Box 2380, Tulsa, OK 74101-2380, (918) 494-9696, www.pei.org; or

4. Another method approved by department, including code(s) of practice developed by a nationally recognized association(s) or independent testing laboratory(ies), determined to

be no less protective of human health and the environment than the requirements listed in paragraphs 1. and 2. of this subsection.

(2) Owners and operators must maintain record(s) of the required containment sump monitoring for twelve (12) months or test(s) required by this rule until the next test is performed.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate. The public entity fiscal cost impacts for compliance with the federal standards are accounted for in the federal rulemakings.

PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate. The private entity fiscal cost impacts for compliance with the federal standards are accounted for in the federal rulemakings.

10 CSR 26-2.036 Operation and Maintenance Walkthrough Inspections

PURPOSE: This rule contains the new requirements for walkthrough inspections of underground storage tank systems.

(1) To properly operate and maintain UST systems, owners and operators must ensure the following requirements are met by the timeframes outlined in section (2):

(A) Conduct a walkthrough inspection that, at a minimum, checks the following equipment as specified below:

1. Every thirty (30) days, owners and operators must:

A. For spill prevention equipment - visually check for any damage; remove liquid or debris; check for and remove obstructions in the fill pipe, check the fill cap to make sure it is securely on the fill pipe; and for double-walled spill prevention equipment with interstitial monitoring, check for a leak in the interstitial area;

B. For release detection systems - check to make sure the release detection system is operating with no alarms or other unusual operating conditions present; and ensure records of release detection testing are reviewed monthly and current;

2. Annually, owners and operators must:

A. For containment sumps required in 10 CSR 26-2.020 or 10 CSR 26-2.021, including tank top or submersible turbine pump, under-dispenser, and transition or intermediate sumps - visually check for any damage, leaks to the containment sump area, or releases to the environment; remove any liquid or debris; and for double-walled containment sumps, check for a leak in the interstitial area;

B. For hand held release detection equipment- check devices such as tank gauge sticks for operability and serviceability.

(2) The first walkthrough inspections in section (1) are due:

(A) Immediately upon installation for new UST systems installed after July 1, 2017, or

(B) No later than January 1, 2020, for existing UST systems.

(3) Owners and operators may use the following codes to comply with this rule:

(A) Petroleum Equipment Institute RP 500-11, *Recommended Practices for Inspection and Maintenance of Motor Fuel Dispensing Equipment*. This document is incorporated by reference without any later amendments or modifications. To obtain a copy, contact the Petroleum Equipment Institute, Box 2380, Tulsa, OK 74101-2380, (918) 494-9696, www.pei.org

(B) Petroleum Equipment Institute RP 900-08, *Recommended Practices for Inspection and Maintenance of UST Systems*. This document is incorporated by reference without any later amendments or modifications. To obtain a copy, contact the Petroleum Equipment Institute, Box 2380, Tulsa, OK 74101-2380, (918) 494-9696, www.pei.org

(4) Owners and operators must maintain records (in accordance with 10 CSR 26-2.034) of operation and maintenance walkthrough inspections for one (1) year. The record must include a listing of each area checked, whether each area checked was acceptable or needed to have any action taken, and a description of any actions taken to correct an issue.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate. The public entity fiscal cost impacts for compliance with the federal standards are accounted for in the federal rulemakings.

PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate. The private entity fiscal cost impacts for compliance with the federal standards are accounted for in the federal rulemakings.

10 CSR 26-2.040 General Requirements for Release Detection for All Underground Storage Tank Systems

PURPOSE: This rule outlines the minimum requirements for leak and spill detection systems.

(1) Owners and operators of underground storage tank (UST) systems that are in use must use a method, or combination of methods, *[or]of* release detection that—

(A) Can detect a release from any portion of the tank and the connected underground piping that routinely contains a regulated substance, except remote fills and gravity piping;

(B) Is installed, calibrated, operated, **tested** and maintained in accordance with the manufacturer's instructions, including routine maintenance and service checks for operability or running condition. **If manufacturer's test methods are not available, the annual operability test may be conducted in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory or a method approved by the department. Operability test reports must, at a minimum, include facility name and address, components tested, model and serial number (if legible), testing date, test method, technician name and affiliation, and a certification of results;**

(C) For existing sites, the first test is due not later than January 1, 2020. Electronic and mechanical release detection equipment must be tested annually for proper operation, in accordance with subsection (B) of this section. A test of the proper operation must be performed at least annually and, at a minimum and as applicable to the facility, cover the following components and criteria:

1. Automatic tank gauge and other controllers: test alarm; verify system configuration; test battery backup;

2. Probes and sensors: inspect for residual buildup; ensure floats move freely; ensure shaft is not damaged; ensure cables are free of kinks, bends, and breaks; test alarm operability and communication with controller; and

3. Vacuum pumps and pressure gauges: ensure proper communication with sensors and controller;

([C/D]) Meets the performance requirements for tanks in 10 CSR 26-2.043 or **10 CSR 26-2.046 for field constructed tanks**, or for piping in 10 CSR 25-2.044 or **10 CSR 26-2.047 for bulk piping**, with any performance claims and their manner of determination described in writing by the equipment manufacturer or installer. In addition, all release detection methods must be capable of detecting the leak rate or quantity specified for *[that] the [tank]* method in 10 CSR 26-2.043, *[or piping method in]* 10 CSR 26-2.044, **10 CSR 26-2.046, or 10 CSR 26-2.047, as appropriate**, with a probability of detection of ninety-five percent (95%) and a probability of false alarm of five percent (5%)

([D/E]) All release detection methods and equipment must be conducted and operated in accordance with the applicable National Work Group on Leak Detection Evaluations *[(NWGLDE) certification]* **listing**, unless otherwise approved by the department. To obtain copies of equipment *[certifications]* **listings**, contact the National Work Group *[for]* **on** Leak Detection Evaluations, www.nwglde.org.

(2) When a release detection method for tanks in 10 CSR 26-2.043 or **10 CSR 26-2.046** or for piping in 10 CSR 26-2.044 or **10 CSR 26-2.047** indicates a release may have occurred, owners and operators must notify the department in accordance with 10 CSR 26-2.050–10 CSR 26-2.053.

*AUTHORITY: sections 319.105, 319.107, and 319.111, RSMo 2000, and section 319.137, RSMo Supp. 2010.**

**Original authority: 319.105, RSMo 1989; 319.107, RSMo 1989, amended 1994; and 319.137, RSMo 1989, amended 1993, 1995, 2004.*

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate. The public entity fiscal cost impacts for compliance with the federal standards are accounted for in the federal rulemakings.

PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate. The private entity fiscal cost impacts for compliance with the federal standards are accounted for in the federal rulemakings.

10 CSR 26-2.041 Requirements for Petroleum Underground Storage Tank Systems

PURPOSE: This rule outlines the options for leak detection at petroleum underground storage tanks.

(1) Owners and operators of petroleum underground storage tanks (UST) systems that are in use must provide release detection for tanks and piping as follows:

(A) Tanks. Tanks must be monitored at least every thirty (30) days for releases using one (1) of the methods listed in 10 CSR 26-2.043(1)(B)–(I), except that—

1. UST systems that meet new or upgraded standards in 10 CSR 26-2.020 or 10 CSR 26-2.021 and the monthly inventory control requirements in 10 CSR 26-2.043(1)(A) may use tank tightness testing (10 CSR 26-2.043(1)(D)) at least every five (5) years until December 22, 1998, or until ten (10) years after the tank is installed or upgraded under 10 CSR 26-2.021(3), whichever is later;

2. Tanks with a capacity of *[five hundred fifty (550)] two thousand (2,000)* gallons or less may use manual tank gauging (10 CSR 26-2.043(1)(C)); *[and]*

3. **Field-constructed tanks greater than fifty thousand (50,000) gallons may use the alternative release detection requirements in 10 CSR 26-2.046;**

4. **Groundwater monitoring (10 CSR 26-2.043(G)) will no longer be valid to monitor for releases after July 1, 2020.**

5. **Vapor monitoring (10 CSR 26-2.043(F)) will no longer be valid to monitor for releases after July 1, 2020, if used with an added tracer chemical and listed by the National Work Group on Leak Detection Evaluations as a tank tightness test; and**

6. **Tanks installed after July 1, 2017, must be monitored for leaks at least every thirty (30) days in accordance with 10 CSR 26-2.043(H).**

(B) Piping. Underground piping that routinely contains regulated substances must be monitored for releases in a manner that meets one (1) of the following requirements:

1. Pressurized piping. Underground piping that conveys regulated substances under pressure must—

A. Be equipped with an automatic line leak detector in 10 CSR 26-2.044(1)(A); *[and]*

B. Have an annual line tightness test conducted in accordance with 10 CSR 26-2.044(1)(B) or have monthly monitoring conducted in accordance with 10 CSR 26-2.044(1)(C); and

C. New or replaced piping installed after July 1, 2017, must be monitored for releases at least every thirty (30) days in accordance with 10 CSR 26-2.043(H).

2. Suction piping. Underground piping that conveys regulated substances under suction must either have a line tightness test conducted at least every three (3) years and in accordance with 10 CSR 26-2.044(1)(B) or use a monthly monitoring method conducted in accordance with 10 CSR 26-2.044(1)(C). **New or replaced piping installed after July 1, 2017, must be monitored for releases at least every thirty (30) days in accordance with 10 CSR 26-2.043(H). New or replaced piping installed after July 1, 2017, must be monitored for releases at least every thirty (30) days in accordance with 10 CSR 26-2.043(H).** No release detection is required for suction piping that is designed and constructed to meet the following standards:

A. The below-grade piping operates at less than atmospheric pressure;

B. The below-grade piping is sloped so that the contents of the pipe will drain back into the storage tank if the suction is released;

C. Only one (1) check valve is included in each suction line;

D. The check valve is located directly below and as close as practical to the suction pump; and

E. A method is provided that allows compliance with subparagraphs (1)(B)2.A.–D. of this rule to be readily determined (for example, the check valve can be visually inspected); and

3. Gravity piping and remote fill piping are exempt from the piping line leak detection requirements in this section.

4. Underground bulk piping associated with airport hydrant fuel distribution systems and field-constructed tanks must meet one (1) of the following release detection requirements:

A. The requirements in subsection (B) of this section; or

B. The alternative release detection requirements in 10 CSR 26-2.047.

C. Underground bulk piping installed after July 1, 2017, must meet the requirements in paragraph 1. or 2. of this subsection.

(2) High-throughput Facilities. In addition to the requirements outlined in section (1) of this rule, any owner of a tank or a multi-tank connected or manifolded system that dispenses more than eight hundred thousand (800,000) gallons of any regulated substance in one (1) calendar month must use at least one (1) of the following tank system release detection methods:

(A) Continuous, electronic interstitial monitoring for both tank and piping systems, in accordance with 10 CSR 26-2.043(1)(H), documenting passing readings at least once every thirty (30) days; or

(B) Vapor monitoring, including introduced chemical marker monitoring, *[approved]* **listed** by the National Work Group *[for]on* Leak Detection Evaluations (NWGLDE) for the substance stored at least once every fifteen (15) days. To obtain copies of equipment *[certifications]* **listings**, contact the National Work Group *[for]on* Leak Detection Evaluations, www.nwglde.org; or

(C) Continuous in-tank release detection, which must include continual reconciliation of tank system inventory. Standard statistical inventory control is not acceptable. The method used must meet criteria established by the National Work Group for Leak Detection Evaluations (NWGLDE) for continuous in-tank leak detection methods. To obtain copies of equipment *[certifications]* **listings**, contact the National Work Group *[for]on* Leak Detection Evaluations, www.nwglde.org; or

(D) Another method approved by the department specifically for high-throughput UST systems.

*AUTHORITY: sections 319.105 and 319.107, RSMo 2000, and section 319.137, RSMo Supp. 2010.**

**Original authority: 319.105, RSMo 1989; 319.107, RSMo 1989, amended 1994; and 319.137, RSMo 1989, amended 1993, 1995, 2004.*

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate. The public entity fiscal cost impacts for compliance with the federal standards are accounted for in the federal rulemakings.

PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate. The private entity fiscal cost impacts for compliance with the federal standards are accounted for in the federal rulemakings.

10 CSR 26-2.042 Requirements for Hazardous Substance Underground Storage Tank Systems

PURPOSE: This rule outlines the standards for leak detection on hazardous substance underground storage tanks.

(1) Owners and operators of in-use hazardous substance underground storage tank (UST) systems must use a release detection method that meets the requirements of 10 CSR 26-2.041 and **10 CSR 26-2.043(H), except for the electronic monitoring requirement in 10 CSR 26-2.043(H)2. with approval from the department.**

(2) In addition, all in-use hazardous substance USTs must meet the following requirements:

(A) Secondary containment systems must be designed, constructed, and installed to—

1. Contain regulated substances released from the tank system until they are detected and removed; 3. Be checked for evidence of a release at least every thirty (30) days;

(B) Double-walled tanks must be designed, constructed, and installed to—

1. Contain a release from any portion of the inner tank within the outer wall; and

2. Detect the failure of the inner wall;

(C) External liners (including vaults) must be designed, constructed, and installed to—

1. Contain one hundred percent (100%) of the capacity of the largest tank within its boundary;

2. Prevent the interference of precipitation or groundwater intrusion with the ability to contain or detect a release of regulated substances; and

3. Surround the tank completely (that is, it is capable of preventing lateral as well as vertical migration of regulated substances);

(D) Underground piping must be equipped with secondary containment that satisfies the requirements of subsection (2)(A) of this rule (for example, trench liners, jacketing of double-walled pipe). In addition, underground piping that conveys regulated substances under pressure must be equipped with an automatic line leak detector in 10 CSR 26-2.044(1)(A); and

(E) Other methods of release detection may be used if owners and operators—

1. Demonstrate to the department that an alternative method can detect a release of the stored substance as effectively as any of the methods allowed in 10 CSR 26-2.043(1)(B)–(I) can detect a release of petroleum;

2. Provide information to the department on effective corrective action technologies, health risks, and chemical and physical properties of the stored substance and the characteristics of the UST site; and

3. Obtain approval from the department to use the alternate release detection method before the installation and operation of the new UST system.

(3) All new or replaced hazardous substance UST systems installed after July 1, 2017, must also comply with the containment sump testing requirements in 10 CSR 26-2.035.

*AUTHORITY: sections 319.105 and 319.107, RSMo 2000, and section 319.137, RSMo Supp. 2010.**

**Original authority: 319.105, RSMo 1989; 319.107, RSMo 1989, amended 1994; and 319.137, RSMo 1989, amended 1993, 1995, 2004.*

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate. The public entity fiscal cost impacts for compliance with the federal standards are accounted for in the federal rulemakings.

PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate. The private entity fiscal cost impacts for compliance with the federal standards are accounted for in the federal rulemakings.

10 CSR 26-2.043 Methods of Release Detection for Tanks

PURPOSE: This rule contains the requirements that specific underground storage tank leak detection methods must meet.

(1) Methods of release detection for underground storage tanks (USTs) used to meet the requirements in 10 CSR 26-2.041 must be conducted as follows:

(A) Inventory Control. Regulated substance inventory control (or another test of equivalent performance) must be conducted monthly to detect a release of at least one percent (1%) of flow through plus one hundred thirty (130) gallons on a monthly basis in the following manner:

1. Inventory volume measurements for regulated substance inputs, withdrawals, and the amount still remaining in the tank are recorded each operating day on forms provided by the department or on forms previously approved by the department;
2. The equipment used is capable of measuring the level of regulated substance over the full range of the tank's height to the nearest one-eighth inch (1/8");
3. The regulated substance inputs are reconciled with delivery receipts by measurement of the tank inventory volume before and after delivery;
4. Deliveries are made through a drop tube that extends to within one foot (1') of the tank bottom;
5. Product dispensing is metered and recorded within the local standards for meter calibration or an accuracy of six (6) cubic inches for every five (5) gallons of product withdrawn;
6. The measurement of any water level in the bottom of the tank is made to the nearest one-eighth inch (1/8") at least once a month; and
7. The practices described in the American Petroleum Institute Publication 1621, *Recommended Practice for Bulk Liquid Stock Control at Retail Outlets*, revised 2001, may be used, where applicable, as guidance in meeting the requirements of this subsection;

(B) Statistical Inventory Reconciliation (SIR), which is a statistical inventory analysis method that tests for the loss of a regulated substance. SIR must meet the following requirements:

- 1. Report a quantitative result with a calculated leak rate;**
- 2.** Be able to detect a two-tenths (0.2) gallon-per-hour leak rate from any portion of the tank system that routinely contains a regulated substance;
- [2]3.** Must be conducted for each independent tank system;
- [3]4.** Be done in conjunction with inventory control that meets the requirements in 10 CSR 26-2.043(1)(A);
- 5. Use a threshold that does not exceed one-half (1/2) the minimum detectible leak rate;**
- [4]6.** Be conducted in accordance with the National Work Group on Leak Detection Evaluations *[certification]* **listing** and the manufacturer's requirements. To obtain copies of equipment *[certifications]* **listings**, contact the National Work Group *[for]* **on** Leak Detection Evaluations, www.nwglde.org; and
- [5. Owners and operators must maintain all supporting data, including regulated substance and water stick readings, for at least twelve (12) months.]*

[6]7. The SIR analysis report must *[be completed and sent to the owner or operator within fifteen (15) days of the end of each calendar month]***include the daily data, inventory measurements of the regulated substance and water, delivery data, and analysis or reporting date.**[;]

(C) Manual Tank Gauging. Manual tank gauging must meet the following requirements:

1. Tank liquid level measurements are taken at the beginning and ending of a period of at least thirty-six (36) hours during which no liquid is added to or removed from the tank;

2. Level measurements are based on an average of two (2) consecutive stick readings at both the beginning and ending of the period;

3. The equipment used is capable of measuring the level of regulated substance over the full range of the tank's height to the nearest one-eighth inch (1/8");

4. A leak is suspected and subject to the requirements of 10 CSR 26-2.050–10 CSR 26-2.053 if the variation between beginning and ending measurements exceeds the following weekly or monthly standards:

A. Tanks of five hundred fifty (550)-gallon capacity or less are allowed a weekly standard of ten (10) gallons per reading and a monthly average of five (5) gallons per reading, **with a minimum test duration of thirty-six (36) hours**;

B. Five hundred fifty-one to one thousand (551–1,000)-gallon capacity tanks are allowed a difference of thirteen (13) gallons per week and a monthly average of seven (7) gallons, **with a minimum test duration of thirty-six (36) hours, and when combined with a tank tightness test in accordance with subsection (D) of this section**;

C. One thousand one to two thousand (1,001–2,000)-gallon capacity tanks are allowed a difference of twenty-six (26) gallons per week and a monthly average of thirteen (13) gallons, **with a minimum test duration of 36 hours, and when combined with a tank tightness test in accordance with subsection (D) of this section**;

D. Five hundred fifty-one to one thousand (551–1,000)-gallon capacity tanks with *[dimensions]***a diameter** no greater than sixty-four (64) inches *[by seventy-three (64"x73")]* are allowed a difference of nine (9) gallons per week and monthly average of four (4) gallons, provided that a period of at least forty-four (44) hours during which no liquid is added to or removed from the tank is allowed to pass between tank liquid level measurements, **without requiring an additional tank tightness test**; and

E. *[One thousand (1,000)-gallon capacity tanks with dimensions of]***Five hundred fifty-one to one thousand (551–1,000)-gallon capacity tanks with a diameter no greater than** forty-eight (48) inches *[by one hundred twenty-eight inches (48"x28")]* are allowed a difference of twelve (12) gallons per week and a monthly average of six (6) gallons, provided that a period of at least fifty-eight (58) hours during which no liquid is added to or removed from the tank is allowed to pass between tank liquid level measurements, **without requiring an additional tank tightness test**; and

5. *[Use of manual tank gauging must comply with the following size restrictions:*

A. *Tanks of five hundred fifty (550) gallons or less nominal capacity may use this as the sole method of release detection;*

B. *Tanks of five hundred fifty-one to one thousand (551-1,000)- gallon capacity with dimensions no greater than sixty-four by seventy-three inches (64"x73") and tanks of one thousand (1,000)-gallon capacity with dimensions of forty-eight inches by one hundred twenty-eight inches (48"x128") may use this as the sole method of release detection;*

C. Tanks of five hundred fifty-one to two thousand (551-2,000) gallons may use this the method in place of inventory control in 10 CSR 26-2.043(1)(A); and]

[D.]F. Tanks of greater than two thousand (2,000) gallons nominal capacity may not use this method for release detection;

(D) Tank Tightness Testing. Tank tightness testing (or similar test) must be capable of detecting a one-tenth (0.1)-gallon-per-hour leak rate from any portion of the tank that routinely contains regulated substance while accounting for the effects of thermal expansion or contraction of the regulated substance, vapor pockets, tank deformation, evaporation or condensation, and the location of the water table;

(E) Automatic Tank Gauging. Equipment for automatic tank gauging that tests for the loss of regulated substance and conducts inventory control must meet the following requirements:

1. The automatic regulated substance level monitor test can detect a two-tenths (0.2)-gallon-per-hour leak rate from any portion of the tank that routinely contains a regulated substance;

2. **The test must be performed with the system operating in one of the following modes:**

A. In-tank static testing conducted at least once every thirty (30) days; or

B. Continuous in-tank leak detection operating on an uninterrupted basis or operating within a process that allows the system to gather incremental measurements to determine the leak status of the tank at least once every thirty (30) days; and

[2]3. Inventory control (or equivalent test) meeting the requirements in 10 CSR 26-2.043(1)(A) is conducted;

(F) Vapor Monitoring. Testing or monitoring for vapors within the soil gas of the excavation zone must meet the following requirements:

1. The materials used as backfill are sufficiently porous and permeable (for example, gravel, sand, or crushed rock) to readily allow diffusion of vapors from releases into the excavation area;

2. The stored regulated substance, or a tracer compound placed in the tank system, is sufficiently volatile (for example, gasoline) to result in a vapor level that is detectable by the monitoring devices located in the excavation zone in the event of a release from the tank;

3. The measurement of vapors by the monitoring device is not rendered inoperative by the groundwater, rainfall, or soil moisture or other known interferences so that a release could go undetected for more than thirty (30) days;

4. The level of background contamination in the excavation zone will not interfere with the method used to detect releases from the tank;

5. The vapor monitors are designed and operated to detect any significant increase in concentration above background of the regulated substance stored in the tank system, a component(s) of that substance, or a tracer compound placed in the tank system;

6. In the UST excavation zone, the site is assessed to ensure compliance with the requirements in paragraphs (1)(F)1.–4. of this rule and to establish the number and positioning of monitoring wells that will detect releases within the excavation zone from any portion of the tank that routinely contains a regulated substance; *[and]*

7. Monitoring wells are clearly marked and secured to avoid unauthorized access and tampering; **and**

8. After July 1, 2020, use a tracer chemical and the method is listed by the National Work Group on Leak Detection Evaluations as a tank tightness test;

(G) Groundwater Monitoring. Testing or monitoring for liquids on the groundwater **may only be used as a release detection method until July 1, 2020, and** must meet the following requirements:

1. The regulated substance stored is immiscible in water and has a specific gravity of less than one (1);
2. The groundwater is within twenty feet (20') from the ground surface and the hydraulic conductivity of the soil(s) between the UST system and the monitoring wells or devices is at least one hundredth centimeter per second (0.01 cm/sec) (for example, the soil should consist of gravels, coarse to medium sands, coarse silts, or other permeable materials);
3. The slotted portion of the monitoring well casing must be designed to prevent migration of natural soils or filter pack into the well and to allow entry of regulated substance on the water table into the well under both high and low groundwater conditions;
4. Monitoring wells shall be sealed from the ground surface to the top of the filter pack;
5. Monitoring wells or devices shall intercept the excavation zone or are as close to it as is technically feasible;
6. The continuous monitoring devices or manual methods used can detect the presence of at least one-eighth inch (1/8") of free product on top of the groundwater in the monitoring wells;
7. The site is assessed within and immediately below the UST system excavation zone to ensure compliance with the requirements in paragraphs (1)(G)1.–5. of this rule. The site assessment also establishes the number and positioning of monitoring wells or devices that will detect releases from any portion of the tank that routinely contains a regulated substance; and
8. Monitoring wells are clearly marked and secured to avoid unauthorized access and tampering;

(H) Interstitial Monitoring. Interstitial monitoring *[between the UST system and a secondary barrier immediately around or beneath it may be used, but only if the system is designed, constructed, and]* **must monitor between the walls of a double-walled tank or, for piping, is designed to detect a release from the primary piping, including all fittings, and contain it until it can be detected. The entire piping secondary containment must be leak tight. Interstitial monitoring must be** installed to detect a leak from any portion of the tank that routinely contains a regulated substance and also meets *[one (1) of]* the following requirements:

[1. For double-walled UST systems, the sampling or testing method can detect a release through the inner wall in any portion of the tank that routinely contains a regulated substance;

2. For UST systems with a secondary barrier within the excavation zone, the sampling or testing method used can detect a release between the UST system and the secondary barrier.

A. The secondary barrier around or beneath the UST system consists of artificially constructed material that is sufficiently thick and impermeable (less than one millionth centimeter per second (10^{-6} cm/sec) for the regulated substance stored) to direct a release to the monitoring point and permits its detection.

B. The barrier is compatible with the regulated substance stored so that a release from the UST system will not cause a deterioration of the barrier allowing a release to pass through undetected.

C. For cathodically protected tanks the secondary barrier must be installed so that it does not interfere with the proper operation of the cathodic protection system. :

[D]1. The groundwater, soil moisture, or rainfall will not render the testing or sampling method used inoperative so that a release could go undetected for more than thirty (30) days;

[E. The site is assessed to ensure that the secondary barrier is always above the groundwater and not in a twenty-five (25)-year flood plain, unless the barrier and monitoring designs are for use under these conditions.

F. Monitoring wells are clearly marked and secured to avoid unauthorized access tampering;

3. For tanks with an internally fitted liner, an automated device can detect a release between the inner wall of the tank and the liner is compatible with the substance stored;]

2. For new UST systems installed after July 1, 2017, interstitial monitoring must be conducted electronically by a system with a report-generating capability.

3. For UST systems using continuous vacuum, pressure, or liquid-filled methods of interstitial monitoring, the method must be capable of detecting a breach in both the inner and outer walls of the tank and/or piping.[and]

[4. The provisions outlined in the Steel Tank Institute's Standard for Dual Wall Underground Storage Tanks may be used as guidance for aspects of the design and construction of underground steel double-walled tanks; and] ;

(I) Other Methods. Any other type of release detection method, or combination of methods, can be used if—

1. It can detect a two-tenths (0.2)-gallon-per-hour leak rate or a release of one hundred fifty (150) gallons within a month with a probability of detection of ninety-five percent (95%) and a probability of false alarm of five percent (5%); or

2. The department may approve another method if the owner and operator can demonstrate that the method can detect a release as effectively as any of the methods allowed in subsections (1)(C)–(H) of this rule. In comparing methods, the department shall consider the size of release that the method can detect and the frequency and reliability with which it can be detected. If the method is approved, the owner and operator must comply with any conditions imposed by the department on its use to ensure the protection of human health and the environment.

(2) Owners and operators of field-constructed or airport hydrant fuel distribution system tanks may not use vapor monitoring or groundwater monitoring, described in subsections (F) and (G) of this rule as their sole method of detection, but may use them in conjunction with 10 CSR 26-2.046.

*AUTHORITY: sections 319.105 and 319.107, RSMo 2000, and section 319.137, RSMo Supp. 2010.**

**Original authority: 319.105, RSMo 1989; 319.107, RSMo 1989, amended 1994; and 319.137, RSMo 1989, amended 1993, 1995, 2004.*

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate. The public entity fiscal cost impacts for compliance with the federal standards are accounted for in the federal rulemakings.

PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate. The private entity fiscal cost impacts for compliance with the federal standards are accounted for in the federal rulemakings.

10 CSR 26-2.044 Methods of Release Detection for Piping

PURPOSE: This rule describes the requirements of leak detection for the piping on underground storage tanks.

(1) Each method of release detection for piping used to meet the requirements of release detection for underground storage tanks (USTs) in 10 CSR 26-2.041 must be conducted in the following manner:

(A) Automatic Line Leak Detectors. Methods which alert the operator to the presence of a leak by restricting or shutting off the flow of regulated substances through piping or triggering an audible or visual alarm may be used only if they detect leaks of three (3) gallons per hour at ten (10) pounds per square-inch line pressure within one (1) hour and are *[certified]***listed** by the National Work Group on Leak Detection Evaluations. To obtain copies of equipment *[certifications]***listings**, contact the National Work Group *[for]***on** Leak Detection Evaluations, www.nwglde.org. A test of the operation of the leak detector must be conducted at least annually. The annual test must be conducted in accordance with the manufacturer's approved testing procedures **and simulate a leak of at least three (3) gallons per hour at ten (10) pounds per square inch pressure, or equivalent, in the system under normal operating conditions:**

1. Line leak detectors must monitor all pressurized piping, including pressurized piping beyond the first or master dispenser but not including other piping above the shear valve inside the dispenser or dispenser hoses to the nozzle

[2. Line leak detector operability test reports must include facility name and address, line leak detector manufacturer, model and serial number, if legible, testing date, test method, technician name and affiliation, and a certification of results;]

(B) Line Tightness Testing. A periodic test of piping may be conducted only if it can detect a one-tenth (0.1)-gallon-per-hour leak rate at one and one-half (1.5) times the operating pressure;

(C) Applicable Tank Methods. Any of the methods in 10 CSR 26-2.043(1)(B) and (F)-(I) may be used if they are designed to detect a release from any portion of the underground piping that routinely contains regulated substances, **except:**

1. **Owners and operators of piping greater than fifty thousand (50,000) gallons associated with field constructed tanks or airport hydrant fuel distribution system tanks may comply with 10 CSR 26-2.074 in lieu of the methods of piping leak detection in this rule;**

2. **Groundwater monitoring (10 CSR 26-2.043(G)) can no longer be used after July 1, 2020; and**

3. **Vapor monitoring (10 CSR 26-2.043(F)) can no longer be used after July 1, 2020, unless with an added tracer chemical and listed by the National Work Group on Leak Detection Evaluations as a tightness test; and**

(D) Emergency Generator Tanks. For a tank that stores fuel solely for use by an emergency generator, or a tank that stores fuel for an emergency generator and heating oil for consumptive use on the premises where stored, interstitial line monitoring with sump sensors, an alarm, and secondary containment may be used on pressurized lines in lieu of the automatic line leak detector, required in 10 CSR 26-2.041 and subsection (1)(A) of this rule.

*AUTHORITY: sections 319.105 and 319.107, RSMo 2000, and section 319.137, RSMo Supp. 2010.**

**Original authority: 319.105, RSMo 1989; 319.107, RSMo 1989, amended 1994; and 319.137, RSMo 1989, amended 1993, 1995, 2004.*

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate. The public entity fiscal cost impacts for compliance with the federal standards are accounted for in the federal rulemakings.

PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate. The private entity fiscal cost impacts for compliance with the federal standards are accounted for in the federal rulemakings.

10 CSR 26-2.046 Alternative methods of release detection for field-constructed tanks.

PURPOSE: This rule contains the new options for release detection for the previously deferred field-constructed tanks and airport hydrant fuel distribution systems.

(1) Owners and operators of field-constructed tanks with a capacity greater than fifty thousand (50,000) gallons may use one or a combination of the following alternative methods of release detection:

(A) Conduct an annual tank tightness test that can detect a one-half (0.5) gallon per hour leak rate;

(B) Use an automatic tank gauging system to perform release detection at least every thirty (30) days that can detect a leak rate less than or equal to one (1) gallon per hour. This method must be combined with a tank tightness test that can detect a two-tenths (0.2) gallon per hour leak rate performed at least every three (3) years;

(C) Use an automatic tank gauging system to perform release detection at least every thirty (30) days that can detect a leak rate less than or equal to two (2) gallons per hour. This method must be combined with a bulk tank tightness test that can detect a two-tenths (0.2) gallon per hour leak rate performed at least every two (2) years;

(D) Perform vapor monitoring, with an added tracer chemical, conducted in accordance with 10 CSR 26-2.043(F), capable of detecting a one-tenth (0.1) gallon per hour leak rate at least every two (2) years;

(E) Perform inventory control, conducted in accordance with Department of Defense Directive 4140.25; ATA Airport Fuel Facility Operations and Maintenance Guidance Manual, at least every thirty (30) days that can detect a leak equal to or less than one-half percent (0.5%) of flow-through. When using this method, the following must also be met:

1. Perform a tank tightness test that can detect a one-half (0.5) gallon per hour leak rate at least every two (2) years; or

2. Perform vapor monitoring or groundwater monitoring in accordance with 10 CSR 26-2.043 (F) or (G), respectively, at least every thirty (30) days;

(F) Another method approved by the department if the owner and operator can demonstrate that the method can detect a release as effectively as any of the methods allowed in paragraphs (a) through (c) of this section. In comparing methods, the department shall consider the size of release that the method can detect and the frequency and reliability of detection. If the method is approved, the owner and operator must comply with any conditions imposed by the department on its use.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate. The public entity fiscal cost impacts for compliance with the federal standards are accounted for in the federal rulemakings.

PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate. The private entity fiscal cost impacts for compliance with the federal standards are accounted for in the federal rulemakings.

10 CSR 26-2.047 Alternative methods of release detection for bulk underground piping.

PURPOSE: This rule contains the new options for release detection for the previously deferred field-constructed tanks and airport hydrant fuel distribution piping systems.

(1) Owners and operators of bulk underground piping associated with any airport hydrant fuel distribution systems and field-constructed tanks greater than fifty thousand (>50,000) gallons may use one (1) or a combination of the following alternative methods of release detection:

(A) Perform a biannual or annual bulk line tightness test at or above operating pressure in accordance with the table below. Bulk piping segments greater than or equal to one hundred thousand ($\geq 100,000$) gallons not capable of meeting the maximum three (3.0) gallons per hour leak rate for the biannual test may be tested at a leak rate up to six (6.0) gallons per hour:

Maximum Detectable Leak Rate Per Test Section Volume		
Test Section Volume (Gallons)	Biannual Test Maximum Detectable Leak Rate (Gallons Per Hour)	Annual Test Maximum Detectable Leak Rate (Gallons Per Hour)
< 50,000	1.0	0.5
$\geq 50,000$ to < 75,000	1.5	0.75
$\geq 75,000$ to < 100,000	2.0	1.0
$\geq 100,000$	3.0	1.5

(B) Perform vapor monitoring, with an added tracer chemical, conducted in accordance with 10 CSR 26-2.043(F), capable of detecting a one-tenth (0.1) gallon per hour leak rate at least every two (2) years;

(C) Perform inventory control, conducted in accordance with Department of Defense Directive 4140.25; ATA Airport Fuel Facility Operations and Maintenance Guidance Manual, at least every thirty (30) days that can detect a leak equal to or less than one-half percent (0.5%) of flow-through. When using this method, the following must also be met:

1. Perform a line tightness test in accordance with the biannual test threshold in subsection (A) of this section at least every two (2) years; or

2. Perform vapor monitoring or groundwater monitoring in accordance with 10 CSR 26-2.043 (F) or (G), respectively, at least every thirty (30) days;

(D) Another method approved by the department if the owner and operator can demonstrate that the method can detect a release as effectively as any of the methods allowed in sections (A) through (C). In comparing methods, the department shall consider the size of release that the method can detect and the frequency and reliability of detection. If the method is approved, the owner and operator must comply with any conditions imposed by the department on its use.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate. The public entity fiscal cost impacts for compliance with the federal standards are accounted for in the federal rulemakings.

PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate. The private entity fiscal cost impacts for compliance with the federal standards are accounted for in the federal rulemakings.

*[10 CSR 26-2.045 Release Detection Record Keeping]***10 CSR 26-2.048 Release Detection Record Keeping**

PURPOSE: This rule describes the records that must be maintained for monthly release detection activity.

(1) All underground storage tank (UST) system owners and operators must maintain records in 10 CSR 26-2.034 demonstrating compliance with applicable release detection requirements in 10 CSR 26-2.040–10 CSR 26-2.04/5/8. These records must include the following:

(A) All written performance claims of any release detection system used, and the manner in which these claims have been justified or tested by the equipment manufacturer or installer, must be *[maintained]* **retained** for five (5) years **from the date of equipment** installation or for another reasonable period of time determined by the department *[from the date of installation]*;

(B) The results of any sampling, testing, or monitoring must be *[maintained]* **retained** for at least one (1) year, or for another reasonable period of time determined by the department, except that:

1. *[t]*The results of tank tightness testing conducted in accordance with 10 CSR 26-2.043(1)(D) must be retained until the next test is conducted; *[and]*

2. The results of annual operability tests of release detection equipment must be retained until the next test is performed.

(C) Written documentation of all calibration, maintenance, and repair of release detection equipment permanently located on-site must be *[maintained]* **retained** for at least one (1) year after the servicing work is completed. Any schedules of required calibration and maintenance provided by the release detection equipment manufacturer must be retained for five (5) years from the date of installation.

*AUTHORITY: sections 319.105 and 319.107, RSMo 2000, and section 319.137, RSMo Supp. 2010.**

**Original authority: 319.105, RSMo 1989; 319.107, RSMo 1989, amended 1994; and 319.137, RSMo 1989, amended 1993, 1995, 2004.*

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate. The public entity fiscal cost impacts for compliance with the federal standards are accounted for in the federal rulemakings.

PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate. The private entity fiscal cost impacts for compliance with the federal standards are accounted for in the federal rulemakings.

10 CSR 26-2.050 Reporting of Suspected Releases

PURPOSE: This rule describes the steps for reporting leaks and spills.

(1) Owners and operators of underground storage tank (UST) systems must report to the department within twenty-four (24) hours and follow the procedures for release investigation and confirmation in 10 CSR 26-2.052 upon discovery of one (1) or more of the following conditions:

(A) The discovery by owners and operators or others of released regulated substances at the UST site or in the surrounding area (such as the presence of free product or vapors in soils, basements, sewer and utility lines, and nearby surface water);

(B) Unusual operating conditions observed by owners and operators (such as the erratic behavior of product dispensing equipment, the sudden loss of a regulated substance from the UST system, an unexplained presence of water in the tank, **liquid in the interstitial space of secondarily contained systems**, or visible leaks from aboveground piping or ancillary equipment connected to a UST), unless system equipment is found to be defective but not ~~[leaking]~~**releasing regulated substance from the UST system** and is immediately repaired or replaced; or

(C) Monitoring results, **including investigations of leak alarms**, from a release detection method required under 10 CSR 26-2.041 ~~[and]~~ **through** 10 CSR 26-2.04[2]7 that indicate a release may have occurred unless—

1. The monitoring device is found to be defective and is immediately repaired, recalibrated, or replaced and additional monitoring does not confirm the initial result; or

2. **The leak alarm was investigated and determined to have been caused by an event other than a release (for example, a power surge or delivery to the tank during release detection testing); or**

3. In the case of inventory control, a second month of data does not confirm the initial result.

*AUTHORITY: section 319.109, RSMo Supp. 2010.**

**Original authority: 319.109, RSMo 1989, amended 1995, 2004, 2008.*

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate. The public entity fiscal cost impacts for compliance with the federal standards are accounted for in the federal rulemakings.

PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate. The private entity fiscal cost impacts for compliance with the federal standards are accounted for in the federal rulemakings.

10 CSR 26-2.052 Release Investigation and Confirmation Steps

PURPOSE: This rule describes the steps needed to verify a release.

(1) Unless corrective action is initiated in accordance with 10 CSR 26-2.070–10 CSR 26-2.083, owners and operators must immediately investigate and confirm all suspected releases of regulated substances requiring reporting under 10 CSR 26-2.050 within seven (7) days or another reasonable time period specified by the department using either the following steps or another procedure approved by the department:

(A) System Test. Owners and operators must conduct tests *[(tightness testing of tanks in 10 CSR 26-2.043(1)(D) and piping in 10 CSR 25-2.044(1)(B)),]* **appropriate for the suspected release, using tightness tests listed by the National Work Group on Leak Detection Evaluations and/or approved by the department, or for containment sumps, a test method included in 10 CSR 26-2.035,** to determine whether a leak exists in that portion of the tank system that routinely contains a regulated substance *[or the attached delivery piping] or [both]* **a breach of the interstitial space has occurred. To obtain copies of equipment listings, contact the National Work Group on Leak Detection Evaluations, www.nwglde.org.**

1. **If the system test confirms a leak into the interstice or a release,** *[O]*owners and operators must repair, replace, *[or]* upgrade, **or close** the underground storage tank (UST) system *[and]*. **Owners and operators must** begin a site check in accordance with subsection (1)(B) and corrective action in **accordance with** 10 CSR 26-2.070–10 CSR 26-2.083 if the test results for the system, tank, or delivery piping indicate that a *[leak]* **release** *[exists]* **has occurred.**

2. Further investigation is not required if the test results for the system, tank, and delivery piping do not indicate that a *[leak]* **release** exists and if environmental contamination is not the basis for suspecting a release.

3. Owners and operators must conduct a site check as described in subsection (1)(B) of this rule if the test results for the system, tank, and delivery piping do not indicate that a leak exists but environmental contamination is the basis for suspecting a release; or

(B) Site Check. Owners and operators must measure for the presence of a release where contamination is most likely to be present at the UST site. In selecting sample types, sample locations, and measurement methods, owners and operators must consider the nature of the stored substance, the type of initial alarm or cause for suspicion, the type of backfill, the depth of groundwater, and other factors appropriate for identifying the presence and source of the release.

1. If the site check indicates that a release has occurred, owners and operators must begin site characterization and corrective action in accordance with 10 CSR 26-2.070–10 CSR 26-2.083; or

2. If the results of the site check do not indicate that a release has occurred, the investigation may stop.

(2) Owners and operators shall follow a written procedure. A copy of the written procedure or, if the written procedure is commonly available, a clear reference to the written procedure shall be submitted to and approved by the department prior to beginning activities required by this rule.

*AUTHORITY: sections 319.105 and 319.107, RSMo 2000, and sections 319.109 and 319.137, RSMo Supp. 2010.**

**Original authority: 319.105, RSMo 1989; 319.107, RSMo 1989, amended 1994; 319.109, RSMo 1989, amended 1995, 2004, 2008; and 319.137, RSMo 1989, amended 1993, 1995, 2004.*

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate. The public entity fiscal cost impacts for compliance with the federal standards are accounted for in the federal rulemakings.

PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate. The private entity fiscal cost impacts for compliance with the federal standards are accounted for in the federal rulemakings.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: The Missouri Hazardous Waste Management Commission will hold a public hearing on this rule action and others beginning at 10:00 a.m. on October 20, 2016, at the Elm Street Conference Center, 1730 East Elm Street, Jefferson City, Missouri. Any interested person will have the opportunity to testify. Advance notice is not required. However, anyone who wants to make arrangements to testify may do so prior to the hearing by contacting the secretary of the Hazardous Waste Management Commission at (573) 751-2747.

Any person may submit written comments on this rule action. Interested persons, whether or not heard, may submit a written or email statement of their views until midnight on October 27, 2016. Written comments shall be sent to the director of the Hazardous Waste Program at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written comments must be postmarked by midnight on October 27, 2016. Email comments shall be sent to heather.peters@dnr.mo.gov. Please direct all inquiries to the Rules Coordinator of the Hazardous Waste Program, at 1730 E. Elm, Jefferson City, MO 65102, telephone (573) 751-3176.